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JOURNAL

OF THE

INDIANA STATE SENATE,

DURING THE

CALLED SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCING SATURDAY, NOVEMBER 20, 1858.

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INDIANAPOLIS:

JOSEPH J. BINGHAM, STATE PRINTER.

1858.





# JOURNAL

OF THE

# SENATE OF INDIANA.

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*The special session of the General Assembly of the State of Indiana, convened by proclamation of his Excellency, Ashbel P. Willard, Governor, begun and held at the Capitol, in the City of Indianapolis, on Saturday, the 20th day of November, in the year of our Lord, one thousand eight hundred and fifty-eight.*

Jonathan S. Harvey, Principal Secretary of the Senate, directed a call of the Senators whose offices had not become vacant since the last session of the General Assembly, whereupon the following Senators responded to their names and took their seats, to-wit:

*From the counties of Cass, Howard and Pulaski—Charles D. Murray.*

*From the counties of Clark and Scott—David McClure.*

*From the counties of Clay and Putnam—Archibald Johnston.*

*From the county of Decatur—John F. Stevens.*

*From the counties of Delaware and Blackford—Walter March.*

*From the county of Fountain—Isaac A. Rice.*

*From the counties of Gibson, Dubois and Pike—John Hargrove.*

*From the counties of Hamilton and Tipton—John Greene.*

*From the counties of Hendricks and Boone—Solomon Blair.*

*From the county of Henry—Isaac Kinley.*

*From the counties of Jennings and Jackson—James E. Wilson.*

*From the counties of Lagrange and Elkhart—John Thompson.*

*From the counties of Laporte and Starke—Morgan H. Weir.*

*From the county of Marion—John S. Bobbs.*

*From the counties of Miami and Fulton—Hugh Miller.*

*From the county of Montgomery—Lewis Wallace.*

*From the counties of Noble, DeKalb and Steuben*—Alanson W. Hendry.

*From the county of Randolph*—Daniel Hill.

*From the county of Rush*—Stanley Cooper.

*From the counties of Shelby and Hancock*—David Saunders Gooding.

*From the counties of Vigo and Sullivan*—William E. McLean.

*From the counties of Washington and Harrison*—Horace Heffren.

The following Senators elected since the last session of the General Assembly, appeared and produced their credentials, and were duly sworn, as required by the Constitution, by the Hon. James M. Hanna, of the Supreme Bench, and took their seats, viz :

*From the counties of Adams, Wells and Jay*—David Studabaker.

*From the county of Allen*—Allen Hamilton.

*From the county of Bartholomew*—Smith Jones.

*From the counties of Clinton and Carroll*—James Odell.

*From the counties of Crawford and Orange*—Quinton Lomax.

*From the county of Dearborn*—Cornelius O'Brien.

*From the counties of Fayette and Union, (to fill the vacancy occasioned by the resignation of the Hon. John Yaryan,)*—Thomas W. Bennett.

*From the county of Floyd*—DeWitt C. Anthony.

*From the county of Franklin*—Aaron B. Line.

*From the counties of Greene and Owen*—Jason N. Conley.

*From the county of Jefferson*—John R. Cravens.

*From the counties of Johnson and Morgan (to fill the vacancy occasioned by the removal from the district of the Hon. John Slater)*—William H. Jennings.

*From the counties of Knox and Daviess*—James D. Williams.

*From the counties of Lake, Porter and Jasper*—David Turner.

*From the counties of Madison and Grant*—Harvey Craven.

*From the counties of Martin and Lawrence*—Thomas R. Cobb.

*From the counties of Monroe and Brown*—William C. Tarkington.

*From the counties of Ohio and Switzerland*—Benjamin L. Robinson.

*From the counties of Parke and Vermillion*—George K. Steele.

*From the counties of Posey and Vanderburgh*—Magnus T. Carnahan.

*From the counties of St. Joseph and Marshall*—Rufus Brown.

*From the county of Tippecanoe*—Moses C. Culver.

*From the counties of Wabash and Kosciusko*—James D. Conner.

*From the counties of Warren, Benton and White*—George D. Wagner.

*From the counties of Warrick, Spencer and Perry*—John C. Shoemaker.

*From the county of Wayne*—Othniel Beeson.

*From the counties of Whitley and Huntington*—James R. Slack.

Mr. Gooding moved that the Senate proceed to the election of a Principal Secretary.

Which was agreed to.

Mr. Gooding nominated James H. Vawter for Principal Secretary.

The President appointed Senators Murray and Gooding tellers.

*Those who voted for James H. Vawter were,*

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Greene, Hamilton, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson Turner, Wagner, Wallace, Weir, Williams and Wilson—46.

Mr. Vawter having received all the votes given, was thereupon declared duly elected Principal Secretary of the Senate.

Whereupon Mr. Vawter came forward, took the oath of office, and entered upon the discharge of his duties.

Mr. Murray moved that the Senate proceed to the election of Assistant Secretary.

Which was agreed to.

Mr. Murray nominated James N. Tyner, for Assistant Secretary.

Mr. Williams nominated Henry S. Cawthorn, for Assistant Secretary.

*Those who voted for Mr. Tyner were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Steele, Stevens, Thompson, Turner, Wagner, and Weir—25.

*Those who voted for Mr. Cawthorn were,*

Messrs. Carnahan, Cobb, Conley, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Wallace, and Wilson—22.

Mr. Tyner having received a majority of all the votes given, was thereupon declared duly elected Assistant Secretary of the Senate.

Whereupon Mr. Tyner took the oath of office, and entered upon the discharge of his duties.

Mr. Studabaker moved that the Senate proceed to the election of a Principal Doorkeeper.

Which was agreed to.

Mr. Murray nominated Ambrose F. Shortridge for Principal Doorkeeper.

Mr. Studabaker nominated George McDowell for Principal Doorkeeper.

*Those who voted for Mr. Shortridge were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, and Weir—25.

*Those who voted for Mr. McDowell were,*

Messrs. Carnahan, Cobb, Conley, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams, and Wilson—23.

Mr. Shortridge having received a majority of all the votes given, was thereupon declared duly elected Principal Doorkeeper of the Senate.

Whereupon Mr. Shortridge came forward, took the oath of office, and entered upon the discharge of his duties.

On motion by Mr. Gooding,  
The Senate proceeded to the election of Assistant Doorkeeper.

Mr. Gooding nominated Mr. John Osborn for Assistant Doorkeeper.

Mr. McLean nominated Benjamin F. Clark for Assistant Doorkeeper.

*Those who voted for John Osborn were,*

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, and Wilson—26.



*Those who voted for Benjamin F. Clark were,*

Messrs. Carnahan, Cobb, Conley, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, and Williams—21.

Mr. Osborn having received a majority of all the votes given, was thereupon declared duly elected Assistant Doorkeeper of the Senate.

Whereupon Mr. Osborn came forward, took the oath of office, and entered upon the discharge of his duties.

On motion by Mr. Weir,

*Resolved*, That the House of Representatives be informed that the Senate has convened and organized by the election of James H. Vawter, Principal Secretary; James N. Tyner, Assistant Secretary; Ambrose F. Shortridge, Principal Doorkeeper; and John Osborn, Assistant Doorkeeper, and that it is ready to proceed to legislative business.

Mr. Tarkington offered the following resolution :

*Resolved*, That the rules of the Senate of 1855 be adopted as the rules for the government of the present session of the Senate.

Mr. Gooding moved to postpone the further consideration of the resolution till Monday next at 2 o'clock, P. M.

Mr. Tarkington moved to lay the motion to further postpone on the table.

Pending which,

On motion by Mr. Cravens,

The Senate adjourned till next Monday morning.

MONDAY MORNING, 9 o'clock, }  
November 22, 1858. }

The Senate met.

The Journal of yesterday was read.

Robert W. Fisk, Senator from the county of Ripley, appeared and took his seat.

The Senate resumed the consideration of the motion pending at adjournment on Saturday, to lay on the table the motion of Mr. Gooding to postpone the consideration of the resolution of Mr. Tarkington.

Mr. Gooding, by the consent of the Senate withdrew the motion, and moved to postpone the further consideration of the resolution till to-morrow at 10 o'clock, A. M.

Which was agreed to.

Mr. Cravens offered the following resolution :

*Resolved*, That the Secretary and Assistant Secretary be authorized to appoint the necessary number of assistants to enable them to transact the requisite business with despatch, and report the names of those appointed in accordance herewith, at 10 o'clock, A. M., to-morrow.

Mr. Weir moved to amend the resolution by adding—

That the Doorkeeper of the Senate be authorized to employ a number of assistants not exceeding six in addition to the one elected, and that the Principal and Assistant Secretaries be authorised to employ competent assistants, not exceeding six; and that they report the names of such assistants to the Senate immediately upon their selection.

On motion by Mr. Gooding,  
The amendment was laid upon the table.

On motion by Mr. Heffren,

All that portion of the resolution requiring the Secretary and Assistant Secretary to report the names of their assistants to the Senate, was stricken out.

The resolution as amended was adopted.

On motion by Mr. Bennet,

*Resolved*, That the Door-keeper be directed to furnish each mem-

ber of the Senate with a copy each of the Senate Journal of 1857 the Revised Statutes of 1852, and the Acts of 1853, 1855 and 1857-

A message from the House, by Mr. Chapman, Assistant Clerk :

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following resolution :

*Resolved*, That the Senate be informed that the House of Representatives is organized by the election of Jonathan W. Gordon, Speaker; Richard J. Ryan, Principal Clerk; George H. Chapman, Assistant Clerk; and Robert Jennings, Doorkeeper; and are now ready to proceed to legislative business.

Mr. McLean offered the following resolution :

*Resolved*, That a committee of three be appointed by the President to wait upon the respective publishers of the Daily State Sentinel, Daily State Journal, Indianapolis Daily Citizen, and Locomotive, and ascertain the lowest terms for furnishing three copies each of said papers to each member of the Senate, and that said committee report to the Senate on to-morrow, if practicable.

Mr. Gooding moved to amend by inserting "Weekly National Democrat and Volksblatt."

On motion by Mr. Weir,  
The amendment was laid on the table.

Mr. Green moved to amend the resolution by striking out all but the Daily State Sentinel and Daily State Journal.

Mr. Murray moved to strike out all after the word "Resolved," and insert the following :

That the Door-keeper be authorized to contract with the publishers of the Daily Journal, Daily Citizen and Daily Sentinel, the Weekly Volksblatt, Indiana Free Press, Indiana American and National Democrat, for three copies of their respective papers. two to be enveloped, and laid upon the tables of the members and officers.

Pending which,

The Senate passed over the resolution and pending amendment to take up the following message from the House :

A message from the House by Mr. Chapman, Assistant Clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed the following resolution :

*Resolved*, That a committee of two be appointed, by the Speaker on the part of the House, to act with a similar committee on the part of the Senate, to wait on His Excellency, the Governor, to learn at what time he will deliver his message, and that the Senate be informed of the adoption of this resolution ;

And that the House has appointed Messrs. Dobbins and Edwards said committee.

On motion by Mr. Wallace,

The Senate concurred in the resolution of House, and

Messrs. Wallace and Murray were appointed a committee, in accordance with the resolution, to act with the committee on the part of the House.

The Senate resumed the consideration of the resolution of Mr. Weir, and pending amendments of Mr. Green and Mr. Murray.

On motion by Mr. Weir,

The resolution and pending amendments were laid upon the table.

Mr. Weir offered the following resolution :

*Resolved*, That a committee of two be appointed by the President to procure two copies for each member of the Senate of each of the daily papers published in Indianapolis, and that the reporters of each paper be provided with desks inside the bar.

Mr. Conner moved to amend by adding :

“Also, fifty-one copies of each of the weekly county papers published in the State.”

On motion by Mr. Tarkington,

The resolution and amendments were referred to a select committee of five.

The President appointed Messrs. Tarkington, March, Slack, Cravens, and Line said select committee.

By unanimous consent,

Mr. Wallace presented the following report from a select committee :

MR. PRESIDENT :

The committee appointed to wait upon His Excellency, the Governor, and inform him that the Senate is ready to hear his message,

beg leave to report that they have discharged their duty, and that the Governor has designated the hour of 2½ o'clock, P. M., to-day, as the hour for reading his message.

Mr. Heffren offered the following resolution :

*Resolved*, That the Doorkeeper be directed to furnish seats within the bar of the Senate for the Reporters of the Indiana State Sentinel, Indiana State Journal, and Daily Citizen, and such others as may desire a seat.

Mr. Bobbs moved to amend by inserting "Free Press and Volksblatt."

When,

On motion by Mr. Bennett,

The foregoing resolution and pending amendment were referred to the select committee heretofore appointed on the same subject.

Mr. Wallace offered the following resolution :

*Resolved*, That all officers of the Senate, and their assistants and employees, unless otherwise specially authorized, be prohibited from contracting any account for articles to be used by the Senate; but that for everything required for the official use of Senators they shall apply to the Librarian, who shall be authorized to purchase it only when they cannot be obtained from the Secretary of State, application being made to him therefor, and that for all articles so purchased by him, the Librarian shall furnish accounts duly sworn to, otherwise the same shall be disallowed.

Mr. March moved to amend by striking out "Librarian" where it occurs in the foregoing resolution, and to insert instead thereof, "Secretary of the Senate," and by adding thereto: "And the Senate will audit no accounts unless made upon the written order of the Secretary of the Senate."

On motion by Mr. Green,

The foregoing resolution and pending amendment were referred to a select committee of five.

The President appointed Messrs. Green, Wallace, March, Connely and Weir said select committee.

On motion by Mr. Hill,

*Resolved*, That the Door-keeper be directed to prevent smoking in the Senate Chamber during session hours.

Mr. Weir offered the following resolution :

*Resolved*, That the chairman of the select committee on "Bank Frauds," appointed at the last session of the Senate, be directed to make out a list of the names of the witnesses summoned to appear before the committee; the respective distances traveled by each, and the number of days each attended; and, also, to make out and certify to the fees to which the Sergeant-at-Arms is entitled, in accordance with the resolution of the Senate of the last session; and that the same be certified to the Treasurer of State for payment; and that he, also, certify to a duplicate of the same for the use of the finance committee of the Senate.

Mr. Bobbs moved to refer the foregoing resolution to the select committee on bank frauds appointed at the last session.

On motion by Mr. Cravens,  
The resolution and pending motion were laid on the table.

On motion by Mr. Johnson,

*Resolved*, That the Secretary of State be requested to inform the Senate whether he has purchased and is ready to furnish stationery for the use of the Senate during the present session.

Mr. Heffren offered the following resolutions :

*Resolved*, That we affirm the original and essential inferiority of the negro.

*Resolved*, That we deny that the negro was intended to be embraced within the abstractions of the Declaration of Independence, and assert that the right to freedom and equality was predicated only for the dominant race of white men.

*Resolved*, That we deny that negroes are citizens of the United States.

*Resolved*, That we affirm the compatibility of a confederacy of free and slave States, and the possibility of their harmonious co-existence under a common constitution.

*Resolved*, That we affirm the absolute sovereignty of the States in respect to their domestic institutions, and deny the authority of the Federal Government to discriminate for or against the interests of slavery.

*Resolved*, That we desire to inculcate a policy of non-intervention as between the free and slave holding States, as well as between the latter and the Federal Government.

*Resolved*, That we support the decision of the Supreme Court in the Dred Scott Case, and in the sense that it guarantees to the owners of slave property an equality with the owners of other property, in introducing it into the Territories; contending, also, that as slave property is thus placed on an equal footing with other property, it, like all other property, must be subject to all such local laws of the Territories as do not infringe upon the Constitution of the United States; that slave property being thus placed on an equality with other property, if it require higher and further affirmative legislation for its protection and security than is afforded to other property, and the legislation of the Territory should decide not to discriminate in its favor that extent, then the failure to obtain that higher protection than is afforded to other property, is a misfortune attending that description of property, for which we have no remedy and are not responsible.

*Resolved*, That we uphold all the guarantees of the Federal Constitution in respect to rights of the Slave-holding States.

*Resolved*, That we maintain the dignity and independence of the Senatorial function against the encroachment of executive usurpation.

*Resolved*, That we protest our opposition to Republicanism at every point and upon every principal.

*Resolved*, That we pledge fidelity to the organization, principles and nominees of the Democratic party.

Mr. Gooding moved to postpone the further consideration of the resolution for three weeks.

Mr. Murray moved to lay the pending motion and resolutions on the table.

The ayes and noes being demanded by Senators Heffren and Murray,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens of Jefferson, Cravens of Madison, Culver, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Thompson, Turner, Wagner and Weir—41.

*Those who voted in the negative were,*

Messrs. Fisk, Heffren, Jennings, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—9.

So the resolutions and motion were laid on the table.

Mr. Wallace asked to be excused from voting on the foregoing question, and offered the following as his reasons therefor :

MR. PRESIDENT :

I desire to be excused from voting on these resolutions for the following reason :

As I understand the resolutions they are good Democracy, but as I am unwilling to assist in the inauguration of this session by the discussion of politics, I ask to be excused.

Which was not agreed to, and

The Senator was not excused from voting.

On motion by Mr. Murray,

*Resolved*, That the regular hours of the meeting of the Senate shall be fixed at 9 o'clock, A. M., and 2 o'clock, P. M.

Mr. Wallace offered the following resolution :

*Resolved*, That the interests of the people demand that this Legislature, without unnecessary delay, proceed to the passage of acts to raise revenue for State purposes, to re-appraise real estate, and for general and specific appropriation ; that the election of officers, the discussion of political questions, and the determination of the contested election cases pending at the adjournment of the last legislature, shall be postponed to the regular session ; and that when said acts have been matured and passed, this special session will adjourn.

Mr. Conner moved to postpone the further consideration of the resolution till the Senate shall have received the Governor's special message.

The ayes and noes being demanded by Senators Wallace and Heffren,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens of Jefferson, Craven of Madison, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—27.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller,



O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—23.

So the resolution was laid on the table.

By unanimous consent,  
Mr. Heffren introduced

Senate bill No. 1. A bill to appraise the real estate of this State, and to make the value thereof uniform throughout the State.  
Which was read a first time.

Mr. Studabaker moved to suspend the rules, and read the bill a second time now by its title.

The ayes and noes being taken under the Constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens of Jefferson, Cravens of Madison, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Weir, Williams and Wilson—40.

*Those who voted in the negative were,*

Messrs. Gooding, Hendry, Kinley, Murray, Steele, Stevens, Thompson, Turner, Wagner and Wallace—10.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Heffren,  
The bill was laid upon the table, and one hundred copies ordered to be printed for the use of the Senate.

The following message from the House was taken up :

A message from the House, by Mr. Ryan, its Clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed the following resolution :

*Resolved*, That a committee of two be appointed by the Speaker to act in connection with a similar committee on the part of the Senate, to wait upon some minister of this city and request him to

open this General Assembly with prayer this afternoon at 2½ o'clock, immediately preceding the delivery of the Governor's message.

And that Messrs. Murray and Blythe has been appointed a committee on the part of the House.

On motion by Mr. Murray,

The resolution was concurred in, and

Messrs. Murray and Carnahan were appointed a committee to act with the similar committee on the part of the House.

Mr. Cravens moved to reconsider the vote ordering Senate Bill No. 1 to be laid on the table.

Which was not agreed to.

On motion by Mr. Cooper,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

By unanimous consent,

Mr. Murray presented the following report from a select committee:

MR. PRESIDENT:

The committee appointed to act in conjunction with a similar committee on the part of the House, and invite some minister of the Gospel to open the session of the General Assembly with prayer, beg leave to report that they have discharged that duty, and that Rev. Aaron Wood, will attend for that purpose at the hour and place designated.

Mr. Heffren offered the following resolution:

*Resolved*, That a committee of two on the part of the Senate be appointed, to act with a committee of three on the part of the House, to examine into and report the present condition of the finances of the State, and, also, in regard to the amount of indebtedness of one fund to another.

On motion by Mr. Murray,  
The resolution was laid on the table.

By unanimous consent,  
Mr. Weir introduced

Senate bill No. 2. An act to repeal an act entitled "an act to authorize the formation of new counties, and to change county boundaries."

Which was read a first time and passed to a second reading on tomorrow.

The President laid before the Senate the following communication from the Secretary of State :

OFFICE OF SECRETARY OF STATE, }  
Indianapolis, Nov. 22, 1858. }

*To the Honorable President of the Senate :*

SIR:—In response to the resolution of the Senate this day passed, I have the honor to say, that in pursuance of law, an ample supply of stationery for the use of both branches of the Legislature has been purchased directly from the manufactories, at the manufacture's wholesale prices, and its arrival is daily expected. But it is believed that there is now on hand in this office more than will be required until the late purchase shall be received, and which will be furnished the Senate as it may be desired.

Respectfully,  
C. L. DUNHAM.

The following message from the House was taken up :

A message from the House by Mr. Ryan, its Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate of the adoption of the following resolution :

*Resolved*, That the Senate be invited to attend in the Hall of the House at 2 o'clock, P. M., to attend to opening of the General Assembly with prayer.

On motion by Mr. Heffren,  
The resolution was concurred in, and,  
The Senate, preceded by the President, repaired to the Hall of the House of Representatives, where the Throne of Grace was addressed by the Rev. Aaron Wood.

S. J.—2.

The following communication was made to the two houses of the General Assembly by His Excellency, the Governor :

*Senators and Representatives :*

Previous to the year 1852, provision was made in this State for annual sessions of the Legislature, but the members of the convention who framed our existing constitution believed that biennial sessions, after that period, would, in ordinary times, be sufficient. They provided, however, that when in the opinion of the Governor, the public welfare should demand it, he might call a special session of the General Assembly.

The thirty-ninth session of the General Assembly which adjourned on the 9th day of March, 1857, did not pass any law for the purpose of raising a revenue for the years 1857 and 1858. Until that time it was confidently hoped by the people of the State that their Representatives would at all times be willing to provide the necessary means to sustain every department of the government established by their Constitution. They also expected that provision would be made to support every Benevolent Institution they had approved. They felt that although improvident legislation had in former days impaired the credit of their State, as similar legislation had injured the reputation of others, yet, that for many years, the credit of Indiana, maintained in every particular, was to them a matter of just pride and congratulation. They felt that although Indiana, in the days of her improvidence, had been unable to maintain the high character of a sovereign State in responding to all her pecuniary obligations, yet she had now attained to that position of wealth and influence among her sister States, that any failure to redeem every undertaking would be injurious to her credit and her honor.

Notwithstanding these and other considerations, the members of the last Legislature, for reasons into which it is not my duty to inquire, failed to enact the laws necessary to sustain the various interests to which I have alluded. Shortly after such adjournment, I informed the people of the State that there was necessity for legislation, and expressed a readiness, whenever the laws could be passed, to call the members together. Believing that there was such a want of harmony among them, that necessary legislation could not be secured, I declined to exercise the power entrusted to the Governor, to call a special session of the General Assembly. But a new Legislature having been elected, I have at the earliest practicable day exercised the power to which I have before alluded.

Although that Legislature failed to appropriate the means which were then in the treasury to sustain the interests for which they had been raised, the Administrative and Executive officers of the State believed that such was the regard that the people of Indiana had for the government they had established—such their anxiety for the maintenance of their constitution, and the support of their laws, that it was their imperative duty to apply the money in their posses-

sion to the purposes for which it was collected. From that adjournment of the Legislature, those officers have endeavored to sustain every interest of Indiana, as provided for by her constitution and her laws. They found that the laws of the State provided that the Auditor, Treasurer and Governor, were authorized to procure money to pay the interest upon the public debt. Believing that the welfare of the State would be promoted by paying such interest, a loan was negotiated on the 22d of June, 1858, with the Board of Commissioners of the Sinking Fund for one hundred and sixty-five thousand dollars, which was applied to the payment of such interest. After the State has undertaken to pay all the interest and principal of her debt, her sovereign integrity demands that her obligations should be redeemed. Sec. 1 of art. 9 of the constitution declares that "It shall be the duty of the General Assembly to provide by law for the support of Institutions for the Education of the Deaf and Dumb and of the Blind, and also for the treatment of the Insane.

No appropriation was made by the Legislature to sustain those Institutions, but the money was in the treasury—the clear provision of the constitution that those Institutions should be supported, the officers of the State thought should be maintained and executed, and accordingly they applied the funds in their possession to that purpose.

The officers of the State have been enabled, by an economical administration of the public funds, to thus far sustain every department of the government, and pay the interest on our indebtedness, leaving a balance in the treasury of \$131,342 28, without making any loan except the one to which I have before alluded.

No tax having been levied for the years 1857 and 1858, all the resources for sustaining the government, or maintaining its credit, will, at an early day, be exhausted, unless the Legislature shall provide a remedy. I recommend to you, therefore, that at as early a day as possible, you take into consideration the condition of the treasury, and that a tax be levied for the year 1858.

The report of the Auditor of State will exhibit to you the amount which it is estimated will be necessary to raise. If the tax is levied at once, it can be collected in time to meet the ordinary expenditures of the government. It will be necessary to negotiate a loan to meet the interest which will be due upon the public debt upon the first day of January, 1859. No difficulty will be found in negotiating such loan, provided the levy is made for the year 1858.

Justice to the residents and owners of the property of the State demands that the expenses of the government should be paid by them equally, according to the value of their property. To secure so desirable a result, it has long been the policy in Indiana to have frequent valuations of all the real property within the State. Accordingly, on the 13th of February, 1851, an act was passed to appraise the real estate, and to make the value of the same equal and uniform. Since that time no act of the Legislature has been passed ordering a new appraisement. In the meantime the increase in the

value of that kind of property has been very large. If that increase had been uniform, a necessity for a new appraisement would not exist. But since the passage of that law, a great difference has arisen in reference to the relative value of real estate. When the last assessment was made there was but one railroad completed to Indianapolis from any point in the State, nor were any other of the existing works finished. You cannot but appreciate the effect that those roads have had upon the value of the property of the State. Indeed, it has so increased the value of such property, that it is confidently believed that a new assessment would show that the taxables of the State now amount to four hundred million dollars. If this view of the subject is correct, it is manifestly unjust that the revenues paid for the support of the government should be levied upon the appraisement of 1851.

At my request the Directors of the State Prison have made a partial report as to the condition of that Institution. You will observe by an examination of that report that the new cell house has been finished, but even now, after the same has been completed, such is the limited capacity of that institution that it is impossible to retain with safety, or employ with profit, more than three hundred and fifty convicts. The number which will be confined there by the first of January, 1859, will, in all probability, amount to five hundred. You will therefore see the absolute necessity of either greatly enlarging the existing prison, or of erecting an additional one in some other part of the State. In view of the prison being located upon the southern boundary of the State, thereby causing a heavy expense in transporting the convicts from the various counties, and believing that a portion of the labor of the inmates could be more profitably employed in some other locality, and relying upon the advice and opinion of those most experienced in managing such institutions, that three hundred and fifty convicts are as many as should be confined in one locality, I accordingly join with the Directors and Warden of the Prison in recommending to you that a law be passed at an early day, providing for the erection of another State Prison, and that the same be located somewhere in the northern portion of the State. Little can be done towards the erection of said Prison until the spring of 1859. If it should be regarded by you as desirable to use the labor of a portion of the convicts in the erection of said prison, one hundred and fifty to two hundred of them could be employed for that purpose. If you should decide to pass such a law, provision should be made for the purchasing of more land for the use of the new, than belongs to the State adjoining the present prison. There are generally confined in the prison many who could be profitably employed in raising necessaries for the support of the Institution.

I have thus briefly called to your attention those interests of the State which demand, in my opinion, your immediate action. I have done thus in the hope that a few days only of your time will be required, deferring to make any other recommendation until you as-

semble at the regular session, which will be on the 6th day of January, 1859. In conclusion, I hope that harmony may prevail in your councils, and that wisdom and patriotism may guide your actions.

ASHBEL P. WILLARD.

Whereupon, the Hon. Abram A. Hammond, President of the Senate, declared the joint convention of the two Houses adjourned, and the Senate returned to its chamber.

On motion by Mr. Heffren,  
The Senate adjourned.

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TUESDAY MORNING, 9 o'clock, }  
November 23, 1858. }

The Senate met.

The Journal of yesterday was read.

The President laid before the Senate the following order of business.

#### ORDER OF BUSINESS.

- I. Reading of the Journal.
- II. Petitions, Memorials, and Remonstrances.
- III. Reports from Standing Committees.
  - 1 On Elections.
  - 2 On Finance.
  - 3 On Judiciary.
  - 4 On Organization of Courts.
  - 5 On Federal Relations.
  - 6 On Education.
  - 7 On Corporations.
  - 8 On Military.
  - 9 On Roads.
  - 10 On Canals and Internal Improvements.
  - 11 On Affairs of the Town of Indianapolis.

- 12 On Claims.
- 13 On the State Prison.
- 14 On Public Expenditures.
- 15 On Banks.
- 16 On Manufactures.
- 17 On Agriculture.
- 18 On Unfinished Business.
- 19 On Benevolent Institutions.
- 20 On Swamp Lands.
- 21 On Temperance.
- 22 On County and Township Business.
- 23 On Phraseology and Arrangement of Bills.
- 24 On Printing.
- 25 On Enrolled Bills.

#### IV. On Joint Committees.

- 1 On Public Buildings.
- 2 On State Library.
- 3 On Canal Fund.

#### V. Reports from Select Committees.

#### VI. Resolutions of the Senate.

#### VII. Joint Resolutions.

#### VIII. Bills.

#### IX. Orders of the Day.

Mr. Slack, from a select committee, made the following report :

MR. PRESIDENT :

The committee to whom was referred resolutions having reference to the number of papers which should be taken by each member of the Senate, and the manner and mode of publishing the proceedings, requested me to report for adoption the following resolutions :

*Resolved*, That the Doorkeeper contract with the publishers of the Daily Sentinel, Daily Journal and Daily Citizen, for two copies each of their respective dailies, one copy to be enveloped and stamped, provided said papers publish the daily proceedings of this body.

*Resolved*, That seats be provided within the bar for the reporters of all papers who desire to publish the proceedings of this Senate.

Mr. Johnston moved <sup>f</sup>to concur in the report, with the following amendment, viz :

By inserting in the proper place, "at the expense of members."



Mr. Slack moved to lay the amendment on the table.

The ayes and noes were demanded by Senators Johnston and Slack.

*Those who voted in the affirmative were,*

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Kinley, Line, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir and Wilson—44.

*Those who voted in the negative were,*

Messrs. Beeson, Carnahan, Johnston, Lomax and Williams—5.

So the amendment was laid on the table.

Mr. Stevens moved to concur in the report of the committee, with the following amendment, viz :

By inserting therein "one copy each of the Weekly Indiana American and Volksblatt."

Mr. Weir moved to lay the amendment on the table,

The ayes and noes being demanded by Senators Heffren and Johnston,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Cobb, Conley, Cravens, Craven, Fisk, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Line, Lomax, March, O'Brien, Odell, Robinson, Studabaker Tarkington, and Weir—22.

*Those who voted in the negative were,*

Messrs. Bennett, Blair, Bobbs, Brown, Carnahan, Conner, Cooper, Culver, Gooding, Green, Hendry, Kinley, McClure, McLean, Miller, Murray, Rice, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Wagner, Wallace, Williams and Wilson—27.

So the amendment was not laid on the table.

Mr. Gooding moved to concur in the report with the following further amendment, viz :

By inserting in said report, "one copy of the National Democrat."

Mr. Line called for a division of the question.

The question being on the adoption of the amendment and the amendment to the amendment.

It was agreed to.

Mr. Heffren moved to concur in the report by making the following further amendment:

By striking out "two" and inserting "three" in the first resolution, and by striking out "one" and inserting "two" in the second resolution; also "three" instead of "one" in regard to the newspapers named.

Mr. Tarkington called for a division of the question.

The question being, shall the amendment be adopted?

The ayes and noes being demanded by Senators Johnston and March.

*Those who voted in the affirmative were,*

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Conner, Cooper, Cravens, Culver, Fisk, Gooding, Green, Hamilton, Heffren, Hendry, Jennings, Jones, Kinley, Murray, Odell, Rice, Robinson, Steele, Stevens, Studabaker, Thompson Wagner, Wallace, and Weir—30.

*Those who voted in the negative were,*

Messrs. Beeson, Cobb, Conley, Craven, Hargrove, Hill, Johnston, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Shoemaker, Slack, Tarkington, Turner, Williams, and Wilson—20.

So the amendment was adopted.

On motion by Mr. Murray,

The report was amended by striking out the word "stamped" where it occurs therein.

The question being, shall the report as amended be adopted?

The ayes and noes being demanded by Senators March and Slack.

*Those who voted in the affirmative were,*

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Culver, Fisk, Gooding, Green, Hamilton, Heffren, Hill, Kinley, Line, McLean, Murray, O'Brien, Odell, Rice, Slack, Steele, Stevens, Thompson, Turner, Wagner, and Wallace—29.

*Those who voted in the negative were,*

Messrs. Beeson, Conley, Conner, Cravens, Craven, Hargrove, Hendry, Jennings, Johnston, Jones, Lomax, McClure, March, Miller, Robinson, Shoemaker, Studabaker, Tarkington, Weir, Williams, and Wilson—21.

So the report, as amended, was concurred in.

Mr. Murray offered the following resolution:

*Resolved*, That the Treasurer of State be requested to furnish funds to the Doorkeeper to purchase three dollars worth of stamps for the use of each of the members and officers during this session.

Mr. Studabaker moved to amend the resolution by striking out therefrom therefrom the word "officers."

Which was not agreed to.

The question being, shall the resolution be adopted?

The ayes and noes being demanded by Senators March and Murray.

*Those who voted in the affirmative were,*

Messrs. Anthony, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Kinley, Line, Lomax, McClure, McLean, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Wallace and Weir—37.

*Those who voted in the negative were,*

Messrs. Beeson, Blair, Hamilton, Johnston, Jones, March, Miller, Shoemaker, Studabaker, Williams and Wilson—11.

So the resolution was adopted.

Mr. McLean offered the following resolution:

*Resolved*, That, in compliance with the established custom heretofore observed by the Legislature of this State, with the single exception of the action of the Senate in 1857, a custom uniformly sanctioned by the immemorial usage of both Houses of Congress, the President of the Senate be requested to appoint the standing committees of the present session, and that he announce the same at the meeting of the Senate this afternoon.

Mr. Cravens moved to amend the resolution by striking out all after the word "Resolved," and inserting the following :

That the following be, and they are hereby appointed the standing committee of the present session of this Senate :

#### I.—*Judiciary.*

Messrs. March, Anthony, Gooding, Murray, Cobb, Rice, McLean, Hendry, Wallace, Conner, Bennett and Slack.

#### II.—*Finance.*

Messrs. Rice, March, Heffren, Steele, Hamilton, Jones, Beeson, Conley, Blair, Carnahan and Craven.

#### III.—*Organization of Courts.*

Messrs. Murray, Hendry, Heffren, Green, McClure, Weir, Studabaker, Conner and Johnston.

#### IV.—*Elections.*

Messrs. Hendry, Cravens, Jones, Wagner, Jennings, Bobbs, Lomax, Robinson and Fisk.

#### V.—*Federal Relations.*

Messrs. Craven, Thompson, Hargrove, Hill, Miller, Cooper, Line, Brown, Shoemaker and Jones.

#### VI.—*Education.*

Messrs. Wagner, Kinley, Wallace, Cravens, McLean, Culver, O'Brien, Anthony and Cobb.

#### VII.—*Corporations.*

Messrs. Conner, Hill, Studabaker, Green, Cobb, Steele, Tarkington, Stevens and Gooding.

#### VIII.—*Millitary Affairs.*

Messrs. Brown, Carnahan, Robinson, Miller and Blair.

#### IX.—*Roads.*

Messrs. Cooper, Culver, Williams, Beeson, Hargrove, Conley and Johnston.

X.—*Canals and Internal Improvements.*

Messrs. Weir, Steele, March, Beeson, Cooper, Craven, Studabaker and Slack.

XI.—*Affairs of the Town of Indianapolis.*

Messrs. Bobbs, Turner, Wallace, Bennett, Slack, Green and McLean.

XII.—*Claims.*

Messrs. Cobb, Stevens, Shoemaker, Thompson, Carnahan, Kinley and Beeson.

XIII.—*State Prison.*

Messrs. Anthony, Weir, McLean, Rice, Hill, Jennings, Bennett, Tarkington and Cooper.

XIV.—*Expenditures.*

Messrs. Bennett, Rice, Jones, Bobbs and Gooding.

XV.—*Banks.*

Messrs. Steele, Wagner, Hamilton, Cooper, Jones, Heffren, McLean, Blair and Jennings.

XVI.—*Manufactures.*

Messrs. Robinson, Stevens, Lomax, Bennett and Wilson.

XVII.—*Agriculture.*

Messrs. Beeson, Culver, Williams, Hill, Wilson, Line, Wagner and Steele.

XVIII.—*Unfinished Business.*

Messrs. Thompson, Kinley, Cobb, Green and Fisk.

XIX.—*Benevolent Institutions.*

Messrs. Cravens, Wagner, Fisk, Cooper, Odell, Bobbs, O'Brien, Rice and Hargrove.

XX.—*Swamp Lands.*

Messrs. Green, Turner, Miller, Anthony, Williams, Weir, March and Conner.

XXI.—*Temperance.*

Messrs. Gooding, Hendry, Cobb, Conley, Conner, Craven, and Blair.

XXII.—*County and Township Business.*

Messrs. Blair, Weir, Wallace, Brown, Slack, Robinson and Williams.

XXIII.—*Phraseology and Arrangement of Bills.*

Messrs. Kinley, March, Carnahan, Fisk, Weir, Jennings, and Murray.

XXIV.—*Printing.*

Messrs. Stevens, Rice, Johnston, Cravens, McLean, Culver, and Gooding.

XXV.—*Enrolled Bills.*

Messrs. Turner, Bobbs, Conley, Cooper, Hamilton, Brown, and Heffren.

XXVI.—*Rights and Privileges.*

Messrs. Hill, Kinley, Lomax, Thompson, Johnston, Hendry, and McLean.

## JOINT COMMITTEES.

I.—*On Public Buildings.*

Messrs. Culver, Studabaker, and Robinson.

II.—*On State Library.*

Messrs. Craven, Wilson, Tarkington, and Murray.

Mr. Slack moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Slack and Murray.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Linc, Lomax, McClure, McLean, Miller, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams, and Wilson—23.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, and Weir—26.

So the amendment was not laid on the table.

On motion by Mr. Heffren,

The further consideration of the resolution was postponed until Friday next at 10 o'clock, A. M.

The following message was received from His Excellency, the Governor:

EXECUTIVE DEPARTMENT, INDIANA, }  
Indianapolis, Nov. 23, 1858. }

*To the Senate of Indiana :*

GENTLEMEN :—Samuel Osbourne, Esq., is authorized to make executive communications from the undersigned to your branch of the General Assembly during the present session.

ASHBEL P. WILLARD.

On motion by Mr. Slack,

*Resolved*, That 2,000 copies of the Governor's message be printed for the use of the Senate; 1,500 in the English language, and 500 in the German.

On motion by Mr. Tarkington,

*Resolved*, That the Secretary of State be requested to communicate to the Senate, at his earliest convenience, the amount of swamp lands deeded to each individual since the last session of the Legislature, in what county the same is situate, and the amount of money paid for the same, if he has a record of the amount of payment in his office; also, how much of said lands have been ditched and drained.

By unanimous consent,  
Mr. Tarkington introduced

Senate bill No. 3. A bill to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto.

Which was read a first time.

Mr. Tarkington moved to suspend the rules, and read the bill a second time now by its title.

The ayes and noes being taken under the Constitution,

*Those who voted in the affirmative were,*

Messrs Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cooper, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams, and Wilson—45.

*Those who voted in the negative were,*

Messrs. Conner, and Gooding—2.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Heffren,

The bill was laid upon the table, and one hundred copies ordered to be printed for the use of the Senate.

By unanimous consent,  
Mr. Wallace introduced

Senate bill No. 4. An act to amend sections six, seven, ten, eleven, twelve and fifteen of an act regulating and granting of divorces, nullification of marriages, and decrees and orders incident thereto.

Which was read a first time and passed to a second reading on tomorrow.

On motion by Mr. Murray,  
The Senate adjourned.



2 o'clock, P. M.

The Senate met.

On motion by Mr. Weir,

*Resolved*, That the Doorkeeper be instructed to procure four thermometers, to be placed in the Senate Chamber, in proper places, for the purpose of enabling him to keep the chamber in a proper degree of temperature, and that the same be seventy degrees fahrenheit, and that he be charged to require his assistants to give especial attention to the same.

Mr. Weir offered the following resolution :

*Resolved*, That it would be unwise and inexpedient to take the Wabash and Erie Canal in any form, or to reassume in any way that which has been transferred to the bondholders thereof, or to assume any liability therefor.

The ayes and noes being demanded by Senators Line and Murray.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Illi, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—47.

No Senator voting in the negative.

So the resolution was adopted.

On motion by Mr. Bennett,

*Resolved*, That the consideration of the Governor's message be made the special order of business for next Friday, at 2 o'clock, P. M.

The following message from the House was taken up :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate of the passage of the following resolution of the House, in which the concurrence of the Senate is requested :

*Resolved*, That a committee of three be appointed to act with a similar committee on the part of the Senate to revise and agree upon the joint rules of both Houses, and that the Senate be informed hereof, and requested to reciprocate.

Messrs. Turpie, Hamilton of Boone, and Standfield were appointed by the Speaker said committee on the part of the House.

On motion by Mr. Heffren,  
The report was concurred in.

The President appointed Senators Tarkington, Cravens and Line to act with said committee on the part of the Senate.

On motion by Mr. Fisk,

*Resolved*, That the Senate dispense with the office of Sergeant-at-Arms, and that the Principal Doorkeeper perform the duties usually imposed upon the Sergeant-at-Arms, without additional compensation.

By unanimous consent,  
Mr. Miller introduced,

Senate Bill No. 5. A bill to provide for the collection of taxes upon lands belonging to railroads and other incorporated companies, and to repeal all laws inconsistent therewith.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Green introduced,

Senate Bill No. 6. An act to cure defects in the execution of deeds, or in the certificates of acknowledgements of conveyances of real estate, or any interest therein, in the cases therein named ; and doing away with a seal or ink scroll, in the cases therein named, and to repeal conflicting laws.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Heffren introduced

Senate Bill No. 7. A Bill to authorize and provide the mode of taking of changes of venue in civil cases, not now provided for by law, and providing for a trial of the same.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Hill introduced

Senate Bill No. 8. A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and punish the same, and to repeal all former laws conflicting with the provisions of this act.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Bobbs introduced

Senate Bill No. 9. A bill to provide for, and secure the rights of married women in real property.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Wallace introduced

Senate Bill No. 10. A bill providing for assignments in trust for the benefit of creditors, and regulating the mode of administering the same.

Which was read a first time.

Mr. Wallace moved to suspend the rules, and read the bill a second time now by its title.

The ayes and nays being taken under the constitution :

*Those who voted in the affirmative were,*

Messrs. Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Jones, Line, Lomax, McClure, McLean, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams, and Wilson—34.

S. J.—3.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Conner, Cooper, Cravens, Craven, Culver, Fisk, Green, Johnston, Kinley, March, and Robinson—13.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Line,  
The bill was laid upon the table, and fifty copies ordered to be printed for the use of the Senate.

On motion by Mr. Line,  
The Senate adjourned.

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WEDNESDAY MORNING, 9 O'CLOCK, }  
November 24, 1858. }

The Senate met.

The Journal of yesterday was read.

#### RESOLUTIONS.

On motion by Mr. Heffren,

*Resolved,* That there be printed for the use of the Senate, 500 copies of each of the documents accompanying the Governor's message.

On motion by Mr. Stevens,

*Resolved,* That we require an oath to be administered to every appointee made by the Doorkeeper or his assistant, and also to the appointees of the Principal and Assistant Secretary, that they will faithfully perform their duties, and watch over and protect all property under their care belonging to the State House, or to the State, or to the members of this body.

On motion by Mr. Heffren,

*Resolved*, That the Doorkeeper be directed to lay on the table of each Senator two copies each of the reports of the different departments and officers of State for the year 1857 as soon as practicable, if the same are now printed.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Heffren introduced

Senate Bill No. 11. A bill in relation to ventilating and warming county prisons.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Tarkington introduced

Senate Bill No. 12. A bill to prohibit unsafe paper currency, and to punish the making and circulating thereof.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Hill introduced

Senate Bill No. 13. A bill to amend section twenty-six of chapter thirty-one, vol. 1st, Revised Statutes.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Green introduced

Senate Bill No. 14. "A bill to amend the 22d section of an act defining misdemeanors, and prescribing punishments therefor," approved June 14, 1852.

Which was read a first time and passed to a second reading on to-morrow.

#### ORDERS OF THE DAY.

##### *Senate Bills on their Second Reading.*

No. 2. B bill to repeal an act entitled an act to authorize the formation of new counties and to change county boundaries.

Was read a second time ; and

On motion by Mr. Rice,  
Laid on the table.

No. 4. A bill to amend sections seven, ten, eleven, twelve and fifteen of an act entitled "an act regulating the granting of divorces, nullification of marriages and decrees and orders incident thereto."

Was read a second time; and

On motion by Mr. Gooding,

Laid on the table.

On motion by Mr. Wallace,

The bill was taken from the table and referred to a select committee of five.

The President appointed Senators Wallace, March, Gooding, Conner and Murray said select committee.

No. 5. A bill to provide for the collection of taxes upon land belonging to railroad and other incorporated companies, and to repeal all laws inconsistent therewith.

Was read a second time; and

On motion by Mr. Miller,

Was referred to a select committee of five.

The President appointed Senators Miller, O'Brien, Conley, Bennett and Steele said select committee.

By unanimous consent,

On motion by Mr. Heffren,

Senate bill No. 7. A bill to authorize the mode of taking changes of venue in civil cases not now provided for by law, and providing for the trial of the same.

Was taken from the table.

On motion by Mr. Murray,

The bill was referred to a committee of the whole Senate, and made the special order for Monday next at 10 o'clock, A. M.

No. 6. A bill to cure defects in the execution of deeds, or in the certificates of acknowledgments of conveyances of real estate or any interest therein, in the cases therein named, and doing away with a seal or ink scroll in the cases therein named, and to repeal conflicting laws.

Was read a second time; and

On motion by Mr. March,

Laid on the table.

No. 7. "A bill to authorize and provide the mode of taking changes of venue in civil cases not now provided for by law, and providing for the trial of the same."

Was read a second time; and

On motion,

Laid on the table.

No. 8. A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and punish the same, and to repeal all former laws conflicting with the provisions of this act.

Was read a second time.

Mr. Hill moved to lay the bill on the table and to print 300 copies for the use of the Senate.

Mr. Johnston called for a division of the question.

The question being shall the bill lay on the table?

Which was agreed to.

The question then recurred, shall 300 copies of the bill be printed?  
Which was agreed to.

No. 9. "A bill to provide for and secure the rights of married women in real property."

Was read a second time; and

On motion by Mr. Bobbs,

Referred to the committee on the judiciary.

The Senate resumed the consideration of the resolution of Mr. Wallace, introduced on Monday.

Mr. Anthony moved to amend the resolution by striking out all after the word "Resolved," and inserting the following:

"The the interests of the people demand that this Legislature, without unnecessary delay, proceed to the passage of acts to raise revenue for State purposes, to appraise real estate for necessary, general and specific appropriations, and in relation to the other subjects indicated in the Governor's message; that all irrelevant discussion upon political, or other subjects, should be avoided, and that when said acts and such other acts are matured and passed and duties discharged, as cannot consistently with the public good and the rights and dignity of the State be postponed, this special session shall adjourn.

Which was agreed to.

Mr. Johnston moved that the vote by which the amendment was adopted, be reconsidered.

Mr. Heffren moved a call of the Senate.

Mr. Rice moved that the Senate now adjourn.

The ayes and noes being demanded by five Senators,

*Those who voted in the affirmative were,*

Messrs. Anthony, Bennett, Brown, Cooper, Culver, McLean, Rice, and Robinson—8.

*Those who voted in the negative were,*

Messrs. Beeson, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—41.

So the motion to adjourn did not prevail.

Mr. Heffren withdrew his motion for a call of the Senate.

Mr. Wallace moved to pass informally over the question pending to give him an opportunity to introduce a bill.

Which was not agreed to.

The question recurred upon the question of reconsidering the vote adopting the amendment of Mr. Anthony to the resolution of Mr. Wallace;

The ayes and noes being demanded by Senators Johnston and Murray,

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—23.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—25.

So the vote was not reconsidered.

On motion by Mr. Slack,  
The resolution was laid on the table.

On motion by Mr. Weir,  
The Senate adjourned.



2 O'CLOCK, P. M.

The Senate met.

By unanimous consent,

Mr. Green, from a select committee, made the following report:

MR. PRESIDENT:

The committee, to whom was referred the resolution, and the amendments thereto, relative to the officers of the Senate furnishing "articles to be used by the Senate," have had the same under consideration, and have directed me to report the following as the result of their deliberations, and recommend the adoption of the same.

1st. That all officers of the Senate, their assistants and employees, unless specially authorized by the Senate, be prohibited from contracting any amounts for articles to be used by the Senate. But, for everything required for the official use of the Senators, they shall apply to Secretary of the Senate, who shall make purchase only when the articles required cannot be obtained from the Secretary of State, applications being made to him therefor.

2d. That the Secretary of the Senate shall be charged by the Secretary of State with all stationery or other articles furnished for the use of the Senate. That the Secretary of the Senate shall charge to each member and officer of the Senate all stationery or other articles furnished them, and render a weekly account of the same to the finance committee, with itemized bills of all purchases made, and the Secretary of State be requested to report weekly to the Senate the amount of articles furnished the Secretary of the Senate.

3d. That the Senate will audit no account for purchases not made personally by a Secretary, or upon his written order; and no account for services rendered by any officer, assistant or employee, not specially authorized by the Senate.

4th. That the Secretary of the Senate and Doorkeeper immediately inform the Senate the number of assistants and employees required by each at this time.

5th. That the compensation of Doorkeeper and assistants shall not exceed three dollars per day each, as now prescribed by law.

On motion by Mr. Wallace,  
The report was concurred in.

Mr. Wallace moved to reconsider the vote by which the report was concurred in.

Which was not agreed to..

On motion by Mr. Murray,

*Resolved*, That the Doorkeeper of the Senate be directed to furnish two settees to be placed on either side of the President's chair.

Mr. Conner offered the following resolution :

*Resolved*, That the pretended election of Jesse D. Bright and Graham N. Fitch to the Senate of the United States, by a portion of the General Assembly of the State of Indiana, during the session of 1857, was illegal, unconstitutional and void, and that the State of Indiana is not at this time legally or constitutionally represented in the Senate of the United States.

Mr. Studabaker moved to lay the resolution on the table.

The ayes and noes being demanded by Senators Murray and Hendry,

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams, and Wilson—24.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

So the resolution was not laid on the table.

Mr. Williams moved to amend the resolution as follows, to-wit :

By striking out all of said resolution after the word "resolved," and inserting instead thereof the following, viz :

"That inasmuch as the seats of Bright and Fitch have been confirmed by the Senate of the United States, it is inexpedient to entertain any motion for the election of United States Senators at the present session."

The President deciding the amendment to be in order.

Mr. Murray appealed from the decision of the President to the Senate.

Mr. Heffren moved to lay the appeal on the table.

The ayes and noes being demanded by Senators Murray and Bennett,

*Those who voted in the affirmative were,*

Messrs. Carnahan, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Williams and Wilson—22.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Wallace and Weir—28.

So the appeal was not laid on the table.

The question being, shall the decision of the President stand as the judgment of the Senate?

The ayes and noes being demanded by Senators Murray and Steele.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—24.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

So the decision of the Chair was not sustained.

Mr. Tarkington moved to amend by striking out from the word "Resolved," and inserting:

"That the election of all officers shall be postponed until the regular session of the Legislature."

Mr. Murray moved to lay the amendment on the table.

The ayes and noes were demanded by Senators Slack and Heffren.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

*Those who voted in the negative were,*

Messrs. Canahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Hefren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, and Williams—23.

So the amendment was laid on the table.

Mr. Murray moved the previous question.  
Which was seconded by the Senate.

The question being, shall the main question be now put?  
Which was agreed to.

The question being, shall the resolution be adopted?

The ayes and noes being demanded by Senators Murray and Conner.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

*Those who voted in the negative were,*

Messrs. Canahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Hefren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace and Williams—22.

Senators Gooding and Wilson declined voting.

So the resolution was adopted.

By unanimous consent,  
Mr. Steele introduced

Senate bill No. 15. A bill to authorize and empower the county commissioners, or the board doing county business in any county, to take possession of and control any and all plank, gravel and Mc-

Adamized roads in their respective counties, which may have been abandoned by the corporations.

Which was read a first time and passed to second reading.

By unanimous consent,  
Mr. Slack introduced

Senate bill No. 16. A bill for the relief of James O'Brien.

Which was read a first time and passed to a second reading on tomorrow.

Mr. Murray offered the following resolution :

WHEREAS, The Governor having, by his proclamation, designated tomorrow as a day of Thanksgiving, therefore,

*Resolved.* That when the Senate adjourn to-day, it stand adjourned until Friday next.

Mr. Gooding moved to lay the resolution on the table.

The ayes and noes were demanded by Senators Gooding and Heffren.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton. Hargrove, Heffren, Jennings, Jones, Line, Lomax, McClure, Miller, O'Brien, Shoemaker, Studabaker, Tarkington, Weir and Williams—  
20.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Johnston, Kinley, McLean, March, Murray, Odell, Rice, Robinson, Slack, Steele, Stevens, Thompson, Turner, Wagner, Wallace and Wilson—  
30.

So the resolution was not laid on the table.

The resolution was adopted.

#### JOINT RESOLUTION.

By unanimous consent,  
Mr. Wallace introduced

Senate Joint Resolution No. 1. A joint resolution relative to the admission of Kansas into the Union as a State, and declarative of the rights of the people thereof.

Which was read a first time and passed to a second reading on tomorrow.

Mr. Stevens offered the following resolution :

*Resolved*, That we adopt as a standing rule of this Senate during the present session, that each member be required to vote when his name is called by the Secretary, on all questions when he is not personally interested.

Mr. Gooding moved to lay the resolution on the table.

The ayes and noes being demanded by Senators Heffren and Wallace,

*Those who voted in the affirmative were,*

Messrs. Anthony, Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—26.

*Those who voted in the negative were,*

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—24.

So the resolution was laid on the table.

Mr. Bennett offered the following preamble and resolution :

WHEREAS, The first duty of a legislative body after its organization should be to determine who are entitled to seats therein, and to participate in the deliberations thereof, by a speedy and impartial decision of all cases involving that question; AND WHEREAS, The case of Kline G. Shryock *vs.* Hugh Miller, wherein the said Shryock contests the right of said Miller to a seat in this Senate, and which was pending at the adjournment of the last session thereof, is still undisposed of; AND WHEREAS, The said contestor and contestee are both entitled to the per diem of members of the Legislature until the case aforesaid is decided, thereby incurring an unnecessary expense upon the already over-taxed people of the State; AND WHEREAS, Justice to the people of the State, to this Senate, and to the contesting parties, require an immediate and final decision of said case; therefore,

*Resolved*, That the Doorkeeper be authorized to furnish each member of this body with the majority and minority reports of the committee on elections of the last session of the Senate, together with the evidence accompanying the same, and that the considera-

tion of the subject be made the special order of business for next Saturday at 10 o'clock, A. M.

On motion by Mr. Wallace,  
The preamble and resolution was laid on the table.

On motion by Mr. Wagner,

*Resolved*, That the Doorkeeper be directed to lay on the desk of each member a copy of the last report of the State Board of Agriculture.

On motion by Mr. McLean,

*Resolved*, That the judiciary committee be requested to report upon the constitutionality and expediency of exempting from taxation private school, seminary and college property where the same is used wholly for such purposes.

On motion by Mr. Green,  
The Senate adjourned.

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FRIDAY MORNING 9 o'clock, }  
November 26, 1858. }

The Senate met.

The Journal of Wednesday was read.

The President laid before the Senate the following communication and accompanying reports :

*To the Senate of Indiana :*

I present to you the reports of the Auditor, Secretary and Treasurer of State for the year 1857.

ASHBEL P. WILLARD.

Which were laid on the table.

The President laid before the Senate the following report of the Branches of the Bank of the State of Indiana at Fort Wayne, and South Bend, and also the report of the Branches of the State Bank of Indiana at Fort Wayne, South Bend and Bedford.

DEBIT.		CREDIT.	
Notes discounted.....	\$8,469 38	Capital stock.....	\$100,000 00
Bills of exchange.....	199,572 83	Surplus fund.....	17,563 30
Suspended debt.....	7,800 00	Notes in circulation.....	\$195,555 00
		Notes on hand.....	2,045 00
	\$215,842 21		197,000 00
Banking house of the Branch.....	\$7,000 00	Individual deposits.....	\$13,972 30
Banking house of the Bank.....	70 00	Certificates of deposit.....	10,598 94
Current expenses.....	1,431 34	Dividends.....	300 00
Remittance.....	500 00	Suspense account.....	580 00
Protests.....	3 85		
Real estate.....	4,150 00	Branch at Lima.....	\$129 00
County orders.....	721 61	Branch at Laporte.....	344 00
		Branch at Indianapolis.....	147 16
Branch at South Bend.....	\$1 19	Branch at Bedford.....	150 00
Branch at Terre Haute.....	1 53		291 10
	13,876 84	Bank of Toledo, Toledo.....	\$264 28
Phoenix Bank, New York.....	\$14,838 08	Ketchum, Bertan & Co., Toledo.....	306 46
Winslow, Lanier & Co., New York.....	9,928 38	Pittsburgh Trust Co., Pittsburgh.....	1,174 56
Martine Bank, Buffalo, New York.....	526 08	State Bank of Indiana, Branch at Fort Wayne.....	4,936 80
Lake Ontario Bank, Oswego, New York.....	5,000 00		
	29,503 12	Discount.....	5,346 60
E. G. Barkam & Co., Cincinnati.....	\$219 34	Exchange and premium.....	3,538 39
Allen Hamilton & Co., Fort Wayne.....	15,649 20	Interest.....	1,334 81
Mitchell & Hitchcock.....	5,000 00		
Toledo City Bond.....	450 00		
George S. Wright & Co.....	14 87		
	21,333 41		10,219 80
Notes of this Branch.....	\$2,045 00		
Notes of other Branches.....	1,700 00		
Notes of other Banks.....	6,212 00		
Gold and silver.....	67,192 24		
	77,149 24		
	\$337,797 54		\$357,797 54

H. McCULLOCH, *Cashier.*



DEBIT.	CREDIT.
Notes discounted.....	Notes in circulation—Ones, Twos and Threes.....
Bills of exchange.....	Individual deposits.....
Suspended debt.....	Permanent school fund.....
Banking house of State Bank.....	Surplus.....
Current expenses.....	Surplus dividend.....
Real estate.....	Dividend.....
State Bank of Indiana.....	Stock dividend.....
Branch Bank at Indianapolis.....	Interest.....
Phoenix Bank, New York.....	
Winstow, Lanier & Co., New York.....	
A. Hamilton & Co., Fort Wayne.....	
Bank of the State of Indiana, Branch at Fort Wayne.....	
Premium.....	
Railroad stock and bonds.....	
Notes of other banks.....	
Gold and silver.....	
\$9,089 96	\$22,717 00
7,681 00	\$1,135 45
4,839 80	121 62
\$1,841 80	48,603 40
15 00	
12,936 04	
\$21,631 66	
14,812 84	
1,227 00	
\$814 32	
1,241 86	
11,855 00	
9,046 80	
\$2 05	
6,685 00	
6,687 05	
\$5,023 00	
3,610 99	
8,633 99	
\$75,951 02	\$75,951 02

H. McCULLOCH, *Cashier.*

*State of the Branch at South Bend of the Bank of the State of Indiana, November 20, 1858.*

DEBIT.		CREDIT.	
Bills of exchange.....	\$205,363 16	Capital stock.....	\$100,000 00
Suspended Debt—Bills of exchange.....	85 00	Surplus fund.....	21,996 55
Banking house of the Branch.....	\$6,401 00	Notes in circulation.....	180,617 00
Banking house of the Bank.....	70 00	Notes on hand.....	19,323 00
Current expense.....	2,312 22	Individual deposits.....	19,405 76
Remittance.....	57 00	Dividends.....	230 00
Protest.....	15 33	Branch at South Bend, State Bank of Indiana.....	16,455 91
Furniture.....	500 00	Discount.....	\$4,833 98
Merchants' Exchange Bank, New York.....		Exchange and premium.....	3,155 06
Winslow, Lanier & Co.....	\$63 92	Interest.....	17 04
Marine Bank, Chicago.....	569 66		7,976 08
Bank of America, New York.....	180 32		
City Bank, New York.....	24,312 25		
George Smith & Co., Chicago.....	14,500 22		
E. G. Burkam & Co.....	41 13		
	4,640 95		
Notes of this Branch.....	44,308 45		
Notes of other Branches.....	\$19,383 00		
Notes of other Banks.....	1 603 00		
Gold and silver.....	9,443 00		
	30,429 00		
	16,944 14		
	\$306,084 30		\$306,084 30

H. CHAPIN, Cashier.

*State of the Branch at South Bend of the State Bank of Indiana, November 20, 1858.*

S. J.—4.

DEBIT.		CREDIT.	
Checks discounted.....	\$17,744 25	Interest.....	\$1,553 08
Suspended debt.....	4 25	Profit and loss.....	1,011 91
State banking house.....	\$1,841 80	Surplus fund.....	16,535 56
Other real estate.....	1,400 00	Uncollected dividends.....	838 75
Current expense.....	31 88	Commissioners of Sinking Fund.....	11,000 00
Protest.....	7 28	Dividend of surplus fund.....	1,323 40
Branch at Indianapolis.....	1,385 10	City Bank of New York.....	172 63
Branch at South Bend, Bank of the State of Indiana.....	\$16,453 91	Circulation—Fives and upwards.....	\$7,932 50
State Bank of Indiana.....	138 00	Ones, Twos, and Threes.....	12,020 50
Cash, viz:—Notes of this Branch.....	\$131 00	Individual depositors.....	\$97 71
Other bank paper.....	79 00	Certificates issued.....	134 60
Specie—Silver.....	\$2,459 30	Notes of this Branch in hand—Fives and upwards.....	\$80
Gold.....	14,633 87	Ones, Twos, and Threes.....	51
	17,113 17		131 00
	<u>\$56,331 64</u>		<u>\$56,331 64</u>

NOTE.—Real estate all sold, but no title given for amount charged above.

H. CHAPIN, Cashier.

*State of the Branch at Bedford of the State Bank of Indiana, November 20, 1858.*

50

DEBIT.	CREDIT.
Bills of exchange.....	\$3,376 18
Suspended debt—on Notes.....	\$2,650 00
Suspended debt—on Bills.....	1,110 05
Banking house.....	\$1,000 00
State Bank banking house.....	1,238 46
Protest account.....	
State Bank Branch at Indianapolis.....	\$360 00
Bank of the State, Branch at New Albany.....	4,318 91
Bank of the State, Branch at Bedford.....	616 05
Louisville Savings Institution.....	\$220 44
Winslow, Lunt & Co., N. Y.....	10,498 17
Exchange notes.....	\$29 00
Individual deposits.....	66 98
Profit and loss.....	5 57
Cash, viz:—Notes of this Branch.....	101 55
Notes of other Branches.....	
Gold.....	\$57 00
Silver.....	52 00
	5,500 00
	C9
	5,969 C9
	<u>\$31,475 91</u>
	Surplus fund.....
	Branch Bank Notes, viz:
	On hand.....
	In circulation.....
	\$9,994 91
	57 00
	<u>21,624 00</u>
	<u>\$31,655 91</u>

I. RECTOR, *Cashier.*

The President laid before the Senate the following communication and report from a select committee appointed at the last session of the Senate :

INDIANAPOLIS, Nov. 20, 1858.

HON. A. A. HAMMOND,

*President of the Senate :*

SIR: Please lay before the body over which you preside, the following report.

A. P. SAGE,  
J. J. ALEXANDER,  
J. F. SUIT,

INDIANAPOLIS, Nov. 20, 1858.

HON. A. A. HAMMOND,

*President of the Senate :*

On the 11th day of February, 1857, the Senate passed the following resolution : " Resolved, that a committee of three be appointed to examine the books of the Agent of State, and report the result of such investigation," and the undersigned were appointed said committee.

In pursuance of said appointment we visited New York in February last. Every facility was afforded us by John M. Lord, Esq., the Agent of State, and the books and papers of the office submitted to our inspection, and every explanation made to us by him, or offered to be made; but from the fact that no appropriation had been made to pay the expenses of the committee, and each one of us having pressing engagements at home, we could not make as thorough and complete an investigation of the office as might have been made could we have had sufficient time.

It will be recollected that at the time we were appointed there was considerable excitement here, growing out of an alleged fraud by some of the officers of the State in the State of Ohio, in which our State seemed, to some extent, to be involved; and the safety of the funds of the State, its honor, and the character of our State Agent, and other officers connected with the State government, for the purpose of satisfying the people of the State, demanded an investigation.

After having spent some ten days in the examination of the books of the office, it affords us pleasure to say, that in our opinion, the management of the Agency has been in good and safe hands, the books kept in a manner that could not be excelled.

Your committee would respectfully suggest that the laws now in force do not sufficiently provide for the protection of the honor and interest of the State. Should you have a dishonest Agent he might issue bonds to an unlimited extent, and the State have no security

but his official bond, which might be wholly inadequate to cover the amount of fraudulent bonds issued. The State has now made arrangements to pay a large amount of money on bonds, for which she never received any equivalent. The good sense of the Legislature will provide a remedy against the possible evil.

We will be pardoned, we trust, if we recommend the passage of a law requiring all bonds issued to be counter-signed by the Governor, or some other officer or officers of State, before they shall be valid, or some other safeguard to secure the State effectually against loss.

We would further suggest that the salary of the Agent be increased to an amount sufficient to enable him to be beyond temptation, and to furnish him with an office in the city of New York, equal to the credit of the fifth State in the Union.

Respectfully submitted,

P. S. SAGE,  
J. J. ALEXANDER,  
JAMES F. SUIT.

#### RESOLUTIONS.

On motion by Mr. Hendry,

*Resolved*, That the committee on the organization of courts be instructed to inquire into the expediency of reorganizing the judiciary system of the State in such manner as

1st. To reduce the size of the judicial circuits, to increase the number of terms of courts, and to increase the salary of the judges.

2d. To repeal the act organizing the courts of common pleas.

3d. To so arrange the transaction of business in the circuit courts, that neither the witnesses nor jurors shall be required to be in attendance upon the court until all business, wherein their presence is not required, is transacted.

4th. To transfer all business now pending in the common pleas to the circuit courts.

Mr. Fisk offered the following preamble and resolution :

WHEREAS, There have been various reports circulated throughout the State, to the effect that large sums of money have been lost to the State by the injudicious acts of the late Treasurer of State in making large deposits of the funds entrusted to his charge in worthless and unreliable banking concerns ;

AND WHEREAS, As it is due to him that an investigation be had by the prompt action of the Legislature ; be it therefore

*Resolved*, That the present Treasurer of State be requested to furnish for the information of the Senate all information upon the subject in his possession, the amount of said losses, if any, how and when it occurred, and under what circumstances.

Which was agreed to.

Mr. Lomax offered the following resolution :

*Resolved*, That all political subjects be postponed in the Senate until after the transaction of such business as the interests of the State immediately demand.

Mr. Weir moved to lay the resolution on the table.

The ayes and noes were demanded by Senators Heffren and Wagner ;

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Heffren, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—27.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Jennings, Johnston, Line, Lomax McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—23.

So the resolution was laid on the table.

#### JOINT RESOLUTIONS.

By unanimous consent,  
Mr. Heffren introduced

Senate Joint Resolution No. 2. A joint resolution in reference to the management of the public property of the State of Indiana within the county of Marion, which is not now in the possession or occupancy of said State, but is now adversely or otherwise held and occupied by divers persons, without paying any rent or other compensation therefor.

Which was read a first time, and passed to a second reading on to-morrow.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Cooper introduced

Senate Bill No. 17. A bill defining the length of residence required in a county and township to constitute a person a legal voter therein, prescribing punishment for violating the provisions thereof,

and to amend section twenty-one of an act entitled, "An act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7th, 1852; and to repeal all laws inconsistent with this bill.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Hill introduced

Senate Bill No. 18. A bill to amend sections five and six, of chapter one hundred and ten, vol. 1, Revised Statutes.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Beeson introduced

Senate Bill No. 19. A bill to amend the twelfth section of an act entitled, "An act to authorize the construction of levees and drains," approved June 12th, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Shoemaker introduced

Senate Bill No. 20. A bill to authorize the incorporation of associations, formed for building towns in this State.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Hamilton introduced

Senate Bill No. 21. A bill to amend an act entitled, "An act concerning real property, and the alienation thereof," approved May 6th, 1852.

Which was read a first time, and passed to a second reading on to-morrow..

By unanimous consent,  
Mr. Green introduced

Senate Bill No. 22. A bill to appraise the real estate of this State, and to make the value of the same equal and uniform.

Which was read a first time; and



Mr. Green moved to suspend the rules, and read the bill now a second time by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Craven, Culver, Green, Hamilton, Hargrove, Heffren, Hendry, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—40.

*Those who voted in the negative were,*

Messrs. Bennett, Conley, Fisk, Gooding, Jennings and Robinson—6.

So the rules were suspended and the bill read a second time by its title; and

On motion,  
Laid on the table.

#### SPECIAL ORDERS.

The hour having arrived, the Senate proceeded to consider the resolution of Mr. McLean, to authorize the President to appoint the standing committees of the Senate, and the amendment of Mr. Cravens, to elect the same by resolution of the Senate, which were made the special order for to-day, at 10 o'clock, A. M.

Mr. Cravens, by consent of the Senate, withdrew the amendment. Whereupon,

Mr. Wagner moved to strike out the original resolution from the resolving clause, and insert:

That the following be, and are hereby constituted the standing committee of this Senate for the present session :

#### I.—Judiciary.

Messrs. March, Anthony, Gooding, Murray, Cobb, Rice, McLean, Hendry, Wallace, Conner, Bennett and Slack.

#### II.—Finance.

Messrs. Rice, March, Heffren, Steele, Hamilton, Jones, Beeson, Conley, Blair, Carnahan and Craven.

### III.—*Organization of Courts.*

Messrs. Murray, Hendry, Heffren, Green, Conner, McClure, Weir, Studabaker and Johnston.

### IV.—*Elections.*

Messrs. Hendry, Cravens, Jones, Wagner, Jennings, Bobbs, Lomax, Robinson and Fisk.

### V.—*Federal Relations.*

Messrs. Craven, Thompson, Hargrove, Hill, Miller, Cooper, Line, Brown, Jones and Heffren.

### VI.—*Education.*

Messrs. Wagner, Kinley, Wallace, Cravens, McLean, Culver, O'Brien, Anthony and Tarkington.

### VII.—*Corporations.*

Messrs. Conner, Blair, Studabaker, Green, Cobb, Steele, Tarkington, Stevens and Gooding.

### VIII.—*Military Affairs.*

Messrs. Brown, Carnahan, Robinson, Miller and Blair.

### IX.—*Roads.*

Messrs. Cooper, Culver, Williams, Beeson, Hargrove, Conley, Johnston and Slack.

### X.—*Canals and Internal Improvements.*

Messrs. Weir, Steele, March, Beeson, Cooper, Cravens, Studabaker and Tarkington.

### XI.—*Affairs of the Town of Indianapolis.*

Messrs. Bobbs, Turner, Wallace, Bennett, Slack, Green and McLean.

### XII.—*Claims.*

Messrs. Jones, Stevens, Shoemaker, Thompson, Carnahan, Kinley and Beeson.

XIII.—*State Prison.*

Messrs. Anthony, Weir, McLean, Rice, Hill, Jennings, Bennett, McClure, Cooper and Gooding.

XIV.—*Expenditures.*

Messrs. Bennett, Rice, Jones, Bobbs and Gooding.

XV.—*Banks.*

Messrs. Steele, Wagner, Hamilton, Cooper, Jones, Heffren, McLean, Blair and Jennings.

XVI.—*Manufactures.*

Messrs. Robinson, Stevens, Lomax, Bennett and Wilson.

XVII.—*Agriculture.*

Messrs. Beeson, Culver, Williams, Hill, Wilson, Line, Wagner and Steele.

XVIII.—*Unfinished Business.*

Messrs. Thompson, Kinley, Cobb, Green and Fisk.

XIX.—*Benevolent Institutions.*

Messrs. Cravens, Wagner, Heffren, Cooper, Odell, Bobbs, O'Brien, Rice and Hargrove.

XX.—*Swamp Lands.*

Messrs. Green, Turner, Miller, Anthony, Williams, Weir, March Conner and Odell.

XXI.—*Temperance.*

Messrs. Gooding, Hendry, Cobb, Conley, Conner, Craven and Hill.

XXII.—*County and Township Business.*

Messrs. Blair, Weir, Wallace, Brown, Slack, Robinson, Williams, McClure and Conley.

XXIII.—*Phraseology and Arrangement of Bills.*

Messrs. Kinley, March, Carnahan, Fisk, Weir, Jennings and Murray.

XXIV.—*Printing.*

Messrs. Stevens, Rice, Johnson, Cravens. McLean, Culver and Gooding.

XXV.—*Enrolled Bills.*

Messrs. Turner, Bobbs, Conley, Cooper, Hamilton, Brown and Shoemaker.

XXVI.—*Rights and Privileges.*

Messrs. Hill, Kinley, Lomax, Thompson, Johnston, Hendry and McLean.

## JOINT COMMITTEES.

I.—*Public Buildings.*

Messrs. Culver, Studabaker and Robinson.

II.—*State Library.*

Messrs. Craven, Wilson, Tarkington and Murray.

Mr. Heffren moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Bennett and Wagner.

*Those who voted in the affirmative were,*

Messrs. Conley, Fisk, Gooding, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—21.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Culver, Green, Hamilton, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—29.

So the amendment was not laid on the table.

On motion by Mr. Gooding,

The amendment was amended by adding :

To the committee on banks, Senators March and Carnahan.

To the committee on temperance, Senator Wilson.

The question recurred on the motion to strike out from the original resolution and insert amendment?

The ayes and noes being demanded by Senators Slack and Heffren.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—29.

*Those who voted in the negative were,*

Messrs. Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams, and Wilson—21.

So the motion to strike out and insert was agreed to.

The question being, shall the resolution, as amended, be adopted?

The ayes and noes being demanded by Senators Slack and Line.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Culver, Green, Hamilton, Heffren, Hendry, Hill, Jones, Kinley, McLean, March, Murray, Rice, Robinson, Shoemaker, Tarkington, Thompson, Turner, Wagner and Weir—33.

*Those who voted in the negative were,*

Messrs. Conley, Fisk, Gooding, Hargrove, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Slack, Studabaker, Wallace, Williams and Wilson—17.

So the resolution, as amended, was adopted.

The Senate proceeded to the consideration of the resolution of Mr. Tarkington, to adopt as the rules of the Senate, the rules adopted by the Senate in 1855, made the special order for to-day at 10 o'clock, A. M.

Mr. Conner moved to amend by striking out "1855" and insert "1857," with the following alterations and additions to said rules of 1857:

Amend Rule No. 6, as follows, viz :

“The President of the Senate shall have the general direction of the Senate Chamber. He shall have the right to name any Senator to perform the duties of the Chair, but such substitution shall not extend beyond twenty-four hours, and the right to name any Senator to bear messages to the House.

Amend Rule No. 8 so that the same shall read as follows:

No. 8. The Senate shall appoint all committees, among which shall be twenty-eight Standing Committees appointed at the commencement of each session, viz :

- 1 On Elections.
- 2 On Finance.
- 3 On Judiciary.
- 4 On Education.
- 5 On Corporations.
- 6 On Roads.
- 7 On Benevolent Institutions.
- 8 On Agriculture.
- 9 On Banks.
- 10 On Manufactures.
- 11 On Printing.
- 12 On Public Buildings.
- 13 On the State Prison.
- 14 On State Library.
- 15 On Affairs of the Town of Indianapolis.
- 16 On Claims.
- 17 On Military.
- 18 On Phraseology and Arrangement of Bills.
- 19 On Unfinished Business.
- 20 On Organization of Courts.
- 21 On Enrolled Bills.
- 22 On Federal Relations.
- 23 On Public Expenditures.
- 24 On Swamp Lands.
- 25 On Temperance.
- 26 On County and Township Business.
- 27 Rights and Privileges.
- 28 On Canals and Internal Improvements.

It shall be the duty of the committee on elections to examine and report upon the certificates or other credentials of the Senators returned to serve in the Senate, and to take into consideration all petitions, documents and evidence relative to elections, which may be referred to them by the Senate, and each of the other committees shall perform such services, and take into consideration all subjects and matters required of them by the Senate.

Amend Rule 16 by striking out the words “to be compelled to.” in the first line.

Amend Rule 18 by adding to the same the following, to-wit :

"All motions to excuse a Senator from voting shall be made before the Senate divides, or before the call of the ayes and noes is commenced; and any Senator requesting to be excused from voting, may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate."

By adding Rule No. 55.

55. Questions not comprised under the Standing Rules of the Senate, shall be governed by those of the Senate and House of Representatives of the United States and their joint rules, where the same are applicable, and in all other questions the parliamentary practice as laid down in Jefferson's Manual.

Mr. Williams moved to refer the resolution and pending amendment to a select committee of one from each Congressional District.

Mr. March moved to lay the motion to refer to a select committee on the table.

The ayes and noes being demanded by Senators Williams and Heffren.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, and Weir—26.

*Those who voted in the negative were,*

Messrs. Carnahan, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—23.

So the motion to refer was laid on the table.

Mr. Tarkington called for a division of the question.

The question being, on striking out "1855" and inserting "1857?"  
It was agreed to.

The question being, on the adoption of the amendment to Rule No. 6?

It was agreed to.

Mr. Tarkington moved to lay the amendment to Rule No. 8, on the table.

The ayes and noes being demanded by Senators Weir and Murray.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—24.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—25.

So the amendment was not laid on the table.

Mr. Gooding moved to amend the amendment by inserting the word "standing" before the word "committees."

The ayes and noes being demanded by Senators Conner and Gooding.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—25.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—25.

The President voting in the negative ; and

The amendment to the amendment was not adopted.

The question being, on the adoption of the amendment?

There being a tie ;

The President voted in the negative ; and

The amendment was not adopted.

The President decided the amendment to rule No. 16, to be out of order.

Mr. Murray appealed from the decision of the President Senate.



Mr. Heffren moved to lay the appeal on the table.

The ayes and noes being demanded by Senators Bennett and Heffren.

*Those who voted in the affirmative were,*

Messrs Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—25.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—25.

The President voted in the affirmative; and  
The appeal was laid on the table.

On motion by Mr. Murray,  
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

The Senate resumed the consideration of Mr. Conner's amendment to the Rules of the Senate of 1857.

The proposed amendment to rule No. 18, was adopted.

Mr. Heffren moved to lay Rule No. 55 on the table.  
Which was agreed to.

Mr. Gooding moved to amend Rule No. 18 by adding:

"Every Senator withdrawing from the bar of the Senate for the purpose, or with the intent to break a quorum, shall be deemed guilty

ty of a contempt of the Senate, and shall be reprimanded in open session by the President thereof."

Mr. Weir moved to amend the amendment by adding:  
 "Any Senator refusing to vote shall suffer the same penalty."

On motion by Mr. Bennet,  
 The amendment and the amendment to the amendment was laid on the table.

The resolution as amended was adopted.

On motion of Mr. Line,  
 One hundred copies of the Rules of the Senate, one hundred copies of the Order of Business, and three hundred copies of the Standing Committees, were ordered to be printed.

#### SPECIAL ORDER.

The hour having arrived, the Senate proceeded to the consideration of the Governor's message, and,

On motion,

The Senate resolved itself into the committee of the whole Senate, Mr. Tarkington in the Chair;

When, after spending some time in the consideration of the same, the committee rose, and through their chairman submitted the following report:

MR. PRESIDENT:

The committee of the whole Senate, to whom was referred the special message of his Excellency, the Governor, have directed me to report that they recommend that the various portions of said message be referred to the following committees, respectively:

All that portion of the message concerning the erection of a new State Prison, to the committee on the State Prison; and all that portion concerning the financial condition of the State, to the committee on finance.

Which report was concurred in.

By unanimous consent,

On motion by Mr. Murray,

*Resolved*, That the Secretary of the Senate be directed to furnish one dozen chairs to be placed in the Senate chamber for the use of visitors.

On motion by Mr. McLean,

*Resolved*, That the committee on county and township business be requested to inquire into the expediency of the entire abolition of the office of township trustee, substituting therefor the office of school trustee for each township, and that if the said committee find the same expedient, they report a bill to that effect to the Senate, at as early a day as practicable.

On motion by Mr. Wagner,

*Resolved*, That the Treasurer of State be required to report to the Senate the amount of money in the treasury belonging to the school fund. Also, report the amount due for each year from 1852 inclusive, to the present time, and why such funds, if any, have not been distributed for school purposes. Also, the aggregate amount of such school money as received into the treasury during the several years indicated in this resolution, and also the aggregate amount of payments out of the treasury of said school money for the time indicated by this resolution, for school purposes.

By unanimous consent,  
Mr. Wallace introduced

Senate Bill No. 23. A bill providing for the more uniform mode of doing township business.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Cravens offered the following resolution :

*Resolved*, That hereafter when the Senate adjourns on Saturday, it will so adjourn at 11 o'clock, A. M., and stand adjourned until 2 o'clock, P. M., on the following Monday.

The ayes and noes being demanded by Senators Studabaker and Carnahan,

*Those who voted in the affirmative were,*

Messrs. Brown, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Heffren, Johnston, Jones, McLean, March, O'Brien, Rice, Steele, Stevens, Tarkington, Wagner, Wallace and Wilson—22.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Hamilton, Hargrove, Hendry, Hill, Kinley, Line, Lomax, McClure, Murray, Odell, Robinson, Shoemaker, Slack, Studabaker, Thompson, Turner and Williams—25.

So the resolution was not adopted.

S. J.—5.

By unanimous consent,  
Mr. Heffren introduced

Senate Bill No. 24. A bill to authorize the empannelling of petit jurors in the court of common pleas, and to repeal an act therein named.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Bobbs introduced

Senate bill No. 25. A bill to provide for the redemption or purchase of the bank bonds, and Indiana and other stocks, and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Line offered the following preamble and resolution :

WHEREAS, The General Assembly of the State of Indiana did at its first session after the adoption of the new constitution provide for the consolidation of all the school fund, including that of the congressional township fund;

AND WHEREAS, Under the law aforesaid some of the congressional townships of the State did enjoin the payment of the congressional township funds, which injunction was sustained by the supreme court of the State;

AND WHEREAS, the Legislature, at its session of 1855, did pass a law authorizing the school tax so divided as to make an equality in the school funds, by taking from those congressional townships that receive a larger amount of congressional funds an amount of the tax which will equalize the funds for educational purposes;

AND WHEREAS, Under the law last aforesaid there has been an injunction obtained, in some of the county courts, to prevent the payment of said school tax, as was contemplated by said law, which injunction is now pending in the United States Supreme Court, and does thereby prevent the persons, who are paying said taxes, from receiving any benefit therefrom; therefore,

*Resolved*, That the committee on education inquire whether any remedial legislation can be granted without forestalling said question, pending as aforesaid, or in any way reflecting on the judicial tribunals of the country, or bringing in conflict the legislative and judicial departments of the Government, and report thereon, by bill or otherwise.

Which was agreed to.

By unanimous consent,  
Mr. Wagner introduced

Senate Bill No. 26. A bill supplemental to an act entitled, "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and to establish township libraries, and for the regulation thereof," approved March 5th, 1855.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Rice introduced

Senate Bill No. 27. A bill regulating the jurisdiction and duties of justices of the peace in cases of attachment.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Hargrove introduced

Senate Bill No. 28. A bill to provide for the election of United States Senators.

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Slack,  
The Senate adjourned.

SATURDAY MORNING, 9 o'clock, }  
November 27, 1858.

The Senate met.

The Journal of yesterday was read.

The President laid before the Senate the report of the Branch at Terre Haute of the Bank of the State of Indiana.

BRANCH OF THE STATE BANK OF INDIANA, }  
Terre Haute, Nov. 24, 1858. }

*To the Hon., the President of the Senate, Indianapolis, Ind.,*

SIR:—I herewith enclose you a statement of the condition of this branch, on the third Saturday of November, inst., at 2 o'clock, P. M., pursuant to the requirements of the 65th section of the Bank Charter.

Respectfully yours,  
C. GILBERT, *President.*

*Condition of the Branch at Terre Haute of the Bank of the State of Indiana, on Saturday, November 20, 1858.*

DEBIT.		CREDIT.	
Notes discounted.....	\$400 00	Exchange and Premium.....	30 33
Suspended Debt.....	11,114 38	Circulation.....	14,734 50
Protest Account.....	55 36	Circulation Suspense.....	11,192 00
Branch Bank of State, Terre Haute.....	23,318 77		
Railway Bonds.....	3,200 00	Individual Deposits.....	25,916 50
Cash, viz:—Gold and Silver.....	8,473 29	Unpaid Dividends.....	455 19
Notes of other Banks.....	302 00	Commissioners of Sinking Fund.....	3,435 00
Notes of this Branch.....	490 00	Surplus Fund.....	9,606 54
		Winslow, Lanier & Co.....	8,304 00
State Bank of Indiana.....	9,204 29		74 80
Branch at Indianapolis, State Bank.....	12 00		
	907 63		
Total.....	\$48 272 40	Total.....	\$48 272 40

C. GILBERT, Cashier.

## RESOLUTIONS.

On motion of Mr. Stevens,

*Resolved*, That the committee on finances be instructed to inquire into the expediency of reporting a bill authorizing the Treasurer of State to negotiate a loan from the Sinking Fund, or some other source, sufficient in amount to meet all demands referred to in the Governor's message.

On motion by Mr. Weir,

*Resolved*, That the Attorney General be requested to inform the Senate at the earliest opportunity the condition of the claim of the State of Indiana against one Allen May, endorsed by Messrs. Bright and Drake, the amount thereof, and what steps have been taken to collect the same, since the adjournment of the last Legislature, and if the same has not been sued, the reason for such neglect.

On motion by Mr. Wallace,

*Resolved*, That a committee of five be appointed to examine and report the conditions of the office of Treasurer of State, with reference particularly to the accounts of the said Treasurer, and all other matters pertaining to his office and late report.

The President appointed

Messrs. Wallace, Heffren, Cravens, Cooper and McLean said select committee.

On motion by Mr. McLean,

*Resolved*, That the committee on the organization of courts be directed to inquire into the expediency of the entire abolition of the regular panel of jurymen, for the court of common pleas, and that, if the same be deemed expedient, the said committee report a bill to that effect, at as early a day as practicable.

On motion by Mr. Weir,

*Resolved*, That the committee on State prison be instructed to visit the same at some convenient time during the special session, and make an examination thereof, in order for them to be able to report to the Senate the necessities of the same.

On motion by Mr. Hill,

*Resolved*, That the committee on printing be instructed to inquire into the expediency of so changing the law as to let public printing to the lowest responsible bidder, and report by bill or otherwise.



Mr. Green offered the following resolution :

*Resolved*, That when the Senate adjourn, that it adjourn until Monday at 2 o'clock, P. M.

The ayes and noes being demanded by Senators Hendry and Canahan.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bobbs, Brown, Conner, Cooper, Cravens, Culver, Gooding, Green, Heffren, Jennings, Johnston, Jones, Kinley, March, Miller, Odell, Rice, Robinson, Steele, Stevens, Wagner, Wallace, Weir and Wilson—26.

*Those who voted in the negative were,*

Messrs. Bennett, Blair, Canahan, Cobb, Conley, Craven, Fisk, Hamilton, Hargrove, Hendry, Hill, Line, Lomax, McClure, McLean, Murray, O'Brien, Shoemaker, Slack, Studabaker, Tarkington, Thompson, Turner and Williams—24.

So the resolution was adopted.

On motion by Mr. McLean,

*Resolved*, That the judiciary committee be directed to report a bill requiring county clerk's to pay over all moneys in their hands to their successors in office, in all cases not already provided for by law, if the said committee shall, upon investigation, deem the same expedient.

On motion by Mr. McLean,

*Resolved*, That the judiciary committee be requested to inquire into the expediency of passing an act by which a party may have a change of venue from the Common Pleas Court to the Circuit Court, upon the affidavit of the party that he cannot have a fair and impartial trial of his case in such court, owing to the prejudice or bias of the judge of such Common Pleas Court, and that if the same be deemed expedient, the said committee report a bill authorizing such change of venue to be made.

On motion by Mr. Conner,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law, for the publication of all acts of the General Assembly which contain an emergency clause, in at least one newspaper in each of the several counties of the State where one is published.

On motion by Mr. Hendry,

*Resolved*, That the Secretary of State be requested to report to the Senate the number of the reports of the State officers for the year 1857 that were published; also, what number of the same remain on hand.

By unanimous consent,

Mr. Miller, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill No. 5, "a bill to provide for the collection of taxes upon land belonging to railroad and other incorporated companies, and to repeal all laws inconsistent therewith," have unanimously instructed me to report the same back and recommend its passage.

On motion by Mr. Green,

The bill was recommitted to the committee on the judiciary.

On motion by Mr. Wallace,

The order of business was suspended, and

Senate bill No. 23. A bill providing for the more uniform mode of doing township business,

Was read a second time; and

On motion by Mr. Steele,

Referred to the committee on county and township business.

On motion by Mr. Hill,

Senate Bill No. 8. A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and punish the same, and to repeal all former laws conflicting with the provisions of this act,

Was taken from the table, and

Referred to the committee on temperance.

By unanimous consent,

The order of business was suspended, and

Senate bill No. 3. A bill to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto,

Was taken from the table; and

Referred to the committee of the whole Senate, and made the special order for Monday next at 2 o'clock, P. M.

By unanimous consent,  
The order of business was suspended, and

Senate bill No. 22. A bill to appraise the real estate of this State and to make the value of the same equal and uniform,  
Was taken from the table, and

Referred to the committee of the whole Senate, and made the special order for Monday next at 2 o'clock, P. M.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Gooding introduced

Senate bill No. 29. A bill to extend to borrowers of the Sinking Fund, Surplus Revenue Fund, College Fund, Saline Fund, Congressional Township Fund and other funds, time for the payment of their loans, and prescribing the duties of the proper officers in regard thereto.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Conner introduced

Senate bill No. 30. A bill to amend the 655th section of article 37 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Jones introduced

Senate bill No. 31. A bill to fix the time of holding the courts of common pleas in the county of Bartholomew.

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Rice,  
The order of business was suspended, and

Senate bill No. 2. A bill to repeal an act entitled "an act to authorize the formation of new counties, and to change county boundaries,"

Was taken from the table, and  
Referred to the committee on the judiciary.

By unanimous consent,  
Mr. Wagner introduced

Senate bill No. 32. A bill to amend an act providing for the election and qualifications of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases, approved June 29th, 1852.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Green introduced

Senate bill No. 33. "A bill for the protection of the Sabbath, with penalties for the violation thereof, and to repeal an act entitled 'an act for the protection of the Sabbath, and providing penalties for the desecration thereof,'" approved February 28, 1855.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Shoemaker introduced

Senate bill No. 34. A bill to prescribe the duties of assessors so as to provide for making their list of farm products, domestic animals, and other property every four years, and in regard to the duties of county auditors and Auditor of State in connection therewith, and to repeal all laws conflicting therewith.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Bobbs offered the following preamble and resolutions :

WHEREAS, A most unfortunate accident has recently resulted in the sudden death of the late Gen. Robert Hanna of Marion county ;  
AND WHEREAS, The deceased has left but few if any survivors, so long and prominently identified with the early history of this State, therefore,

*Resolved*, That the Senate have learned with extreme regret of the death of the late Gen. Robert Hanna, who for many years of his long and useful life filled numerous offices of honor and responsibility during the territorial and subsequent history of Indiana, with great credit to himself, and benefit to the public, and desire to testify their esteem for his memory and express their condolence with the family.

*Resolved*, That a copy of these resolutions be communicated to the family of the deceased.

Which were unanimously agreed to.

On motion by Mr. Weir,

*Resolved*, That the State Printer be, and is hereby requested and instructed to report to the Senate at as early a day as possible, the amount of printing done for and at the expense of the State during his term of office, and that the same be full and particular, so that the Senate may inform itself fully on the subject.

On motion by Mr. Murray,

The resolution was referred to the committee on printing.

On motion by Mr. Studabaker,

The Senate adjourned.

MONDAY, 2 o'clock, P. M. }  
November 29, 1858. }

The Senate met.

The Journal of Saturday was read.

The President laid before the Senate the following communication and accompanying report :

OFFICE OF COMMISSIONERS OF SINKING FUND, }  
Indianapolis, November 27, 1858. }

HON. A. A. HAMMOND,

*President of the Senate :*

Please lay before the Senate, over which you preside, the accompanying report of the Commissioners of the Sinking Fund.

We have the honor to be,

Your obedient servants,

E. DUMONT,  
JOHN F. CARR,  
J. V. BEMUSDaffer,  
P. M. PARKS,  
BEATTIE McCLELLAND.

The report was laid on the table.

The President laid before the Senate the annual report of the Auditor of State.

Which was laid on the table.

The President laid before the Senate the following communication:

OFFICE OF TREASURER OF STATE, }  
Indianapolis, November 27, 1858. }

HON. A. A. HAMMOND,

*President of the Senate:*

SIR: In answer to a resolution of your honorable body concerning the school fund during the present and past years, beg leave to submit that the report of the Auditor of State to the Legislature, which will be laid before you in a few days, contains all the information you desire on that subject, and the previously submitted reports of this officer to the Governor and Legislature, contain the history of this fund during the time specified in the resolution.

Very respectfully,

Your ob't serv't,

AQUILLA JONES,

*Treas. of State.*

Which was referred to the committee on education.

The President laid before the Senate the following communication from the Treasurer of State:

HON. A. A. HAMMOND,

*President of the Senate:*

SIR:—I have the honor to acknowledge the receipt of a resolution of inquiry, touching unavailable funds in this office, and in answer beg leave to suggest, that in order to satisfy the public mind, and that equal and exact justice may be done to all parties concerned, a committee be raised with power to make a full and fair investigation of the affairs of this office.

Very respectfully,

AQUILLA JONES,

*Treasurer of State.*

Which was laid on the table.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Wagner presented a memorial from Benjamin F. Gregory, late treasurer of Warren county, praying the passage of a law by the legislature, reimbursing him for certain moneys therein named, lost by the free banks of the State.

Which was referred to the committee on claims.

## SPECIAL ORDER.

The hour having arrived, the Senate resolved itself into committee of the whole Senate,  
Mr. Murray in the chair,  
For the consideration of

Senate Bill No. 1. A bill to appraise the real estate, and to make the value thereof uniform throughout the State.

Senate Bill No. 3. A bill to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto; and

Senate Bill No. 22. A bill to appraise the real estate of this State, and to make the value of the same equal and uniform.

Made the special order for to-day at 2 o'clock, P. M.

And after spending some time in the consideration thereof, the committee arose, and, through their chairman, made the following report:

MR. PRESIDENT :

The committee of the whole Senate to whom was referred Senate bills No. 1, No. 3 and No. 22, after considering the same have directed me to report progress, and ask that the committee be discharged from the further consideration of said bills.

Which report was concurred in, and the committee discharged.

On motion by Mr. Murray,  
Senate bill No. 3, contained in the foregoing report,  
Was taken from the table, and

Referred to a select committee of one from each congressional district, with instructions to report a bill providing for county appraisers and such assistants as the board may think necessary.

The President appointed Senators Carnahan, Heffren, Tarkington, O'Brien, March, Jennings, Johnston, Culver, Miller, Hamilton and Green said select committee.

On motion by Mr. Stevens,

The committee was further instructed to strike out all that requires the owners of real estate to swear to the value of their property, and make it the duty of the county appraiser to fix the value thereof.

On motion by Mr. March,  
Senate Bills Nos. 1 and 22, contained in the foregoing report,  
Were taken from the table, and  
Referred to the select committee before mentioned.

## RESOLUTIONS.

On motion by Mr. Slack,

*Resolved*, That the doorkeeper procure for the use of the Senate two hundred copies of the Legislative Sentinel, now in process of publication by Messrs. Bingham & Doughty.

On motion by Mr. Miller,

*Resolved*, That it is the sense of this Senate that any bill providing for the disposal and management of the trust funds set apart by law for common school purposes in this State, should provide for equalizing and setting apart to each county its *pro rata* share of said funds, based upon the number of children entitled to its benefit, to be loaned, as other school funds, on substantial mortgaged securities.

On motion by Mr. March,

*Resolved*, That the judiciary committee be authorized to employ a clerk for such time as his services are necessarily required.

On motion by Mr. Rice,

*Resolved*, That the Secretary of State be requested to inform the Senate, by what authority his predecessor, the late Secretary of State, had printed, with his annual report for the year 1857, some forty-three pages of general statistical matter, the number of reports so printed, and the cost to the State of printing such additional matter.

On motion by Mr. Cobb,

*Resolved*, That the Treasurer of State be and is hereby required to report to the Senate immediately the sums of money he has, during his official term, paid to attorneys for their services in the prosecution and defense of suits instituted in behalf of or against the State of Indiana, to whom paid, and the amount each one received, and in what cases said services were performed, and whether or not they were the duties imposed by law upon the Attorney General of said State.

On motion by Mr. Steele,

*Resolved*, That the finance committee be instructed to inquire into the expediency and necessity of such further legislation, as will effectually secure the rigid accountability of all officers entrusted with the collection, safe-keeping or disbursement of the public funds, or with the custody of State bonds; and which shall render penal



the loaning or misapplication of such funds or bonds; and which shall protect the State and innocent purchasers against the fraudulent issue or transfer of certificates of State Stock.

Mr. Johnston offered the following resolution :

*Resolved*, That the committee, to whom was referred Senate bills Nos. 1, 3 and 22, be instructed to strike all parts of said bills that relate to blanks.

Which was not agreed to.

On motion by Mr. Cravens,

*Resolved*, That the committee on education and benevolent institutions be authorized to employ a clerk each, if in their opinion the assistance of clerks may be deemed necessary, and for such time as may be deemed necessary.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Bennett introduced

Senate Bill No. 35. A bill to amend the first section of an act entitled, "an act concerning interest on money," approved May 27, 1858.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Conley introduced

Senate Bill No. 36. A bill to prohibit the issue of unauthorized paper currency, making it a felony for the making and circulating thereof.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Heffren introduced

Senate Bill No. 37. A bill to provide for the letting of the State printing to the lowest responsible bidder, and to provide for the measuring and superintending of the same.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Gooding introduced

Senate Bill No. 38. A bill to amend section 2 of an act entitled "an act to authorize the Commissioners of the Sinking Fund to receive substitutions of stock, mortgages, and for other purposes," approved January 28, 1857.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Conner introduced

Senate Bill No. 39. A bill to amend the 6th, 7th, 19th and 20th sections of an act entitled, "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13th, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Conley introduced

Senate Bill No. 40. A bill to amend section ten of an act entitled, "an act providing for the election and qualifications of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Green introduced

Senate Bill No. 41. A bill in relation to the publication of legal advertisements.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous cansent,  
Mr. Cobb introduced

Senate Bill No. 42. A bill to repeal an act entitled, "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved January 26, 1857.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Wagner introduced

Senate Bill No. 43. A bill to amend an act entitled, "an act to authorize the formation of new counties, and to change county boundaries," approved March 7, 1857.

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Bennet,  
The Senate adjourned.

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TUESDAY MORNING, 9 o'clock, }  
November 30, 1858.

The Senate met.

The Journal of yesterday was read.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Green presented a petition from a number of the citizens of the counties of Tipton and Clinton asking the repeal of the ten per cent. tax penalty.

Which,

On motion,  
Was referred to the committee on finance.

#### RESOLUTIONS.

*Resolved*, That the committee on roads be instructed to inquire into the expediency of declaring water courses public highways, and making it the duty of the supervisors to keep them free from obstructions, and report by bill or otherwise.

On motion by Mr. Bennett,

*Resolved*, That the committee on the organization of courts be instructed to inquire into the expediency of abolishing the courts of common pleas; of increasing the number of circuit judges; of holding circuit courts three times a year in each county; of increasing the salaries of circuit and supreme judges, and of the prosecuting attorneys of circuit courts; of extending the jurisdiction of clerks of the circuit court in probate business; of the transfer of all business of the courts of common pleas to the circuit courts, and to the clerks thereof in vacation, and of a general revision of the judicial system of the State, so as to render the same more effective and economical, and that the committee report by bill or otherwise.

On motion by Mr. Gooding,

*Resolved*, That it is inexpedient at this session of the General Assembly to enact a law requiring the auditor's of the several counties of this State to put upon the tax duplicate a State tax for collection during the present year.

Mr. Studabaker moved to amend the resolution by striking out from the resolving clause and inserting the following :

"That this Senate is in favor of levying a sufficient amount of tax for the year A. D., 1858, to pay the interest on the State debt and keep up the expenses of the State government for said year."

Mr. Rice offered the following amendment to the amendment :

"That the committee on finance be instructed to inquire into the expediency of raising revenue by taxation for the current year, and report by bill or otherwise."

Mr. Bennett moved to postpone the further consideration of the resolution and pending amendments until Wednesday next at 2½ o'clock, P. M., and make them the special order for that hour.

The ayes and noes being demanded by Senators Heffren and Weir.

*Those who voted in the affirmative were,*

Messrs. Anthony, Bennett, Blair, Brown, Conley, Cooper, Culver, Hamilton, Hill, Rice, Slack and Steele—12.

*Those who voted in the negative were,*

Messrs. Beeson, Bobbs, Carnahan, Cobb, Conner, Cravens, Craven, Fisk, Gooding, Green, Hargrove, Heffren, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Stevens, Studabaker, Tarkington, Thompson, Turner, Weir, Williams and Wilson—34.

So the motion to postpone was not agreed to.

Mr. March moved to lay resolution and pending amendments on the table.

The ayes and noes being demanded by Senators Gooding and Williams.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Culver, Fisk, Green,

Heffren, Hill, McClure, March, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Thompson and Turner—29.

*Those who voted in the negative were,*

Messrs. Craven, Gooding, Hamilton, Hargrove, Jennings, Johnston, Jones, Kinley, Line, Lomax, Miller, Murray, Studabaker, Tarkington, Weir, Williams and Wilson—17.

So the resolution and pending amendments were laid on the table.

On motion by Mr. March,

*Resolved*, That the Treasurer of State report to the Senate at the earliest moment practicable, the amount of money required to meet the present deficit in the revenues of the State and the wants of the coming year, whether the same can be borrowed, and if so, from what source and upon what terms.

On motion by Mr. Heffren,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

On motion by Mr. McClure,

*Resolved*, That the Superintendent of Public Instruction be requested to inform the Senate whether one township library has been distributed to the Directors of the State Prison for the use of the convicts thereof, in compliance with the 20th section of an act entitled "an act to provide for the government and discipline of the State Prison, and to repeal 'an act to provide for the government and discipline of the State Prison,' approved March 3, 1855, and all laws or parts of laws inconsistent herewith, approved February 5, 1857." If not, the reason why said library was not thus distributed.

By unanimous consent,  
The order of business was suspended, and

Senate bill No. 39. A bill to amend the 6th, 7th, 19th and 20th sections of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May —, 1852;

Was read a second time, and

On motion by Mr. Conner,

Referred to the select committee to whom was referred Senate bill No. 4, on the same subject.

Mr. Weir moved to instruct the committee to amend the bill by striking out "two" wherever it occurs before the word year, and insert instead thereof the word "one;" and to strike out the emergency clause.

Mr. March called for a division of the question.

The question being, on the instructions to strike out the word "two" and insert the word "one."

It was agreed to.

The question being, on the instructions to strike out the emergency clause.

It was not agreed to.

Mr. Murray moved to further instruct the committee to strike out the clause saving cases pending at the passage of the act.

Mr. McLean moved to lay the instructions on the table.

Which was agreed to.

On motion by Mr. Murray,

The committee were further instructed to inquire into the constitutionality of the 12th section of the divorce act of 1852.

On motion by Mr. Heffren,

*Resolved*, That the Doorkeeper find the amount of postage on each of the reports of State officers of 1857 and 1858, together with the reports of the Superintendents of the Hospitals, &c., and post the same up in the folding rooms for the convenience of members.

Mr. Stevens offered the following resolution :

*Resolved*, That the Doorkeeper be instructed to purchase eight bottles of some superior kind of cough medicine, and place the same in the stationary room for the use of members of the Senate.

Which was not agreed to.

Mr. Conley offered the following resolution :

*Resolved*, That the Doorkeeper be requested to lay on the desk of each of the Senators composing this body, one copy each of the majority and minority report of the bank investigating committee appointed during the session of the General Assembly of 1857.

Which,

On motion,

Was laid on the table.

On motion by Mr. Anthony,

*Resolved*, That the judiciary committee be instructed to inquire and report the result of their inquiry to the Senate as soon as practicable, whether the Legislature has the right, under the constitution of the State, to create a debt by authorizing money to be borrowed to defray the necessary expenses of the State government up to such time as the revenues for the year 1859 can be collected and paid into the State Treasury.

On motion by Mr. Hendry,

*Resolved*, That the committee on roads be instructed to inquire into the expediency of so amending the law upon the subject of roads and highways, that the road tax collected in each road district shall be appropriated to the construction and repair of roads therein.

Mr. Rice offered the following resolution :

*Resolved*, That the committee on finance be authorized to employ a clerk for such time as said committee may deem necessary.

Mr. Bennett moved to amend the resolution by adding :

“That no clerk shall be employed by any committee of this Senate, except upon the written request of the chairman of said committee, and that said clerk shall be paid for his services for so many days as the chairman of said committee shall certify in writing that said clerk was employed.

The resolution, as amended, was agreed to.

#### BILLS INTRODUCED.

Mr. Studabaker introduced

Senate bill No. 44. A bill for the distribution, investment, and safe-keeping of the school fund arising from the 114th section of an act establishing a State bank, approved January 28, 1834, and for the election of Sinking Fund Commissioners.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Rice introduced

Senate bill No. 45. A bill to amend sections 20, 21 and 22 of an act regulating general elections and prescribing the duties of officers in relation thereto, approved June 7th, 1852; and repealing sections 29 and 30 of said act, adding provisions supplemental thereto.

Which was read a first time and passed to a second reading on tomorrow.

By unanimous consent,  
Mr. McLean introduced

Senate bill No. 46. A bill to amend the ninth section of an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852.

Which was read a first time and passed to a second reading on tomorrow.

By unanimous consent,  
Mr. Weir introduced

Senate bill No. 47. A bill allowing the formation and defining the liabilities of limited partnerships.

Which was read a first time and passed to a second reading on tomorrow.

Mr. Slack moved to suspend the order of business for the purpose of giving him the opportunity of introducing a resolution.

Which was not agreed to.

By unanimous consent,  
Mr. Bennett introduced

Senate bill No. 48. A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.

Which was read a first time and passed to a second reading on tomorrow.

By unanimous consent,  
Mr. Lomax introduced

Senate bill No. 49. A bill to amend an act entitled "an act to provide for a general and uniform system of common schools and



school libraries, and matters properly connected therewith," approved June 14th, 1852.

Which was read a first time and passed to a second reading on tomorrow.

By unanimous consent,  
Mr. Heffren introduced

Senate bill No. 50. A bill to amend the 207th and 208th sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, so as to authorize a change of venue in certain cases.

Which was read a first time and passed to a second reading on tomorrow.

By unanimous consent,  
Mr. Blair introduced

Senate bill No. 51. A bill to amend the 1st section of an act entitled "an act for the more uniform mode of doing township business," approved March 1, 1853, and to amend sections 6, 7 and 12 of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852.

Which was read a first time and passed to a second reading on tomorrow.

By unanimous consent,  
Mr. Jones introduced

Senate bill No. 52. A bill to render public officers competent to testify as witnesses in actions brought on their relation in the name of the State.

Which was read a first time and passed to a second reading on tomorrow.

On motion by Mr. McLean,  
The Senate adjourned.

WEDNESDAY MORNING 9 o'clock, }  
December 1, 1858. }

The Senate met.

The Journal was read.

The President laid before the Senate the report of the branch at Indianapolis of the Bank of the State of Indiana.

*State of the Branch at Indianapolis of the Bank of the State of Indiana, November 20, 1858.*

DEBIT.		CREDIT.	
Notes Discounted.....	\$25,599 07	Capital Stock.....	\$150,000 00
Bills of Exchange.....	330 655 62	Surplus Fund.....	17,509 58
Suspense I'd't.....	8,617 69	Notes in Circulation.....	294,666 00
Furniture and Fixtures.....	310 00	Notes on hand.....	5,234 00
Vault and Safe.....	840 00	Individual Deposits.....	\$63,190 38
Protes account.....	35 92	Certificates of Deposit.....	23,198 94
Banking House, Bank of the State.....	70 00	Rent account.....	88,889 32
Due from other Branches.....	1,294 49	Due to other Branches.....	46 00
Due from Eastern Banks.....		Due to other Banks, &c.....	1,448 62
Due from Western Banks.....		Discount.....	2,263 41
	69,050 92	Interst.....	\$3,255 48
Notes of this Branch.....	\$1,534 00	Dum'ges.....	61 12
Notes of other Branches.....	4 021 00	Exchange and premium.....	214 87
Notes of other Banks.....	25,619 00		2,115 32
Gold and silver.....	100,458 14	Profit and Loss.....	5,080 79
	134,919 14		6,384 53
	\$571,612 25		\$571,612 25

C. S. STEVENSON, *Cashier.*

## RESOLUTIONS.

On motion by Mr. Johnston,

*Resolved*, That the committee on education inquire into and report by bill or otherwise, whether any legislation is necessary to secure the sinking fund or any other school fund from losses upon lands mortgaged to said funds on account of sales of such mortgaged lands for non-payment of taxes.

On motion by Mr. O'Brien,

*Resolved*, That the committee on benevolent institutions be instructed to report a bill, if deemed expedient, providing for the erection of an additional wing to the Hospital for the Insane, so as to afford suitable accommodation for the class of patients who are now from time to time discharged from said Hospital as incurable.

On motion by Mr. Studabaker,

*Resolved*, That whereas, by the report of the Auditor of State, there is shown to be due the common school fund undistributed in the State Treasury, the sum of \$186,861 64, which is now due from the State Treasury to said fund, and also in the further sum of \$145,410 51 to the swamp land fund; and whereas, in justice to those who purchased swamp land with the expectation that the same would be drained, and also with a proper regard for the educational interests of the State said sums ought to be speedily reimbursed; therefore, the committee on finance are instructed to inquire into the expediency of paying said sums, and as soon as practicable.

On motion by Mr. Fisk,

*Resolved*, That the committee on finance be instructed to inquire into and ascertain the amount of available funds, if any, that may be applied to meet the deficit of 1857 and 1858, and report accordingly at their earliest convenience.

On motion by Mr. Brown,

*Resolved*, That the committee on the State Prison be instructed to inquire into the expediency and propriety of establishing a house of refuge at ——— in ——— county, in the northern part of the State, for the confinement of juvenile offenders, and all those that have committed larceny, and report by bill or otherwise.

Mr. Conner offered the following preamble and resolution:

WHEREAS, heretofore, when more than one prisoner has been convicted to the State Prison at the same term by the several circuit

courts of this State, some of the sheriffs of the several counties of the State in such cases have been in the practice of conveying such prisoners to the State Prison one at a time, and charging mileage for conveying each several prisoner ; therefore,

*Resolved*, That the committee on the State Prison be instructed to report a bill requiring all the prisoners convicted at the same term, to be conveyed to the State Prison at one time, or otherwise be prohibited from charging mileage for more than one visit.

Which was agreed to.

Mr. Rice made the following request :

MR. PRESIDENT :

In pursuance of a resolution of the Senate, the undersigned, as chairman of the committee on finance, asks leave of the Senate for said committee to employ a clerk for such time as said committee may deem necessary.

Which was agreed to.

Mr. Stevens offered the following resolution :

*Resolved*, That the committee on county and township business be requested to inquire into the expediency of so changing the law regulating the meeting of township trustees so as to have them meet only once in three months, and give notice of the time of their meeting in the newspaper having the largest circulation in the county.

Mr. Weir moved to lay the resolution on the table.

Which was agreed to.

On motion by Mr. Heffren,

*Resolved*, That the committee on county and township business be requested to inquire into the expediency of so amending the present road law as to pay for the expenses of opening new roads, out of the township treasury, and report by bill or otherwise.

Leave of absence was granted Senators Weir, Wagner and Hamilton.

Mr. Bennet offered the following resolution :

*Resolved*, That the present system of township libraries has failed to accomplish the purpose for which it was designed, and is a heavy and unnecessary expense to the people of the State, and that the committee on education be instructed to inquire into the expediency of abolishing or revising the same.

Which was not agreed to.

On motion by Mr. McLean,  
The order of business was suspended, and  
The orders of the day taken up.

# ORDERS OF THE DAY.

## *Senate Bills on Second Reading.*

No. 11. A bill in relation to ventilating and warming county prisons.

Was read a second time, ordered to be engrosed, and read a third time on to-morrow.

No. 12. A bill to prohibit unsafe paper currency, and to punish the making and circulating thereof.

Was read a second time, and

Referred to the committee on banks.

Mr. Green moved to instruct the committee as follows:

To strike out the "emergency clause."

Which was not agreed to.

On motion by Mr. March,

The committee were instructed to inquire into the expediency of embracing in the provisions of the bill, the paper of broken banks.

No. 13. A bill to amend section twenty-six of chapter thirty-one of vol. one, Revised Statutes.

Was read a second time, and

Referred to the committee on elections.

No. 14. A bill to amend the 22d of "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Was read a second time, and

Referred to the committee on the judiciary.

No. 15. A bill to authorize and empower the county commissioners or board doing county business in any county, to take possession of and control any and all plank, gravel and McAdamized roads in their respective counties which may have been abandoned by the corporations.

Was read a second time, and

On motion by Mr. Steele,

Referred to a select committee of three.

The President appointed Senators Steele, Johnston and Line, said select committee.

No. 16. A bill for the relief of James O'Brien.

Was read a second time, ordered to be engrossed, and read a third time on to-morrow.

Senate Bill No. 17. A bill defining the length of residence required in a county and township to constitute a person a legal voter therein, prescribing punishment for violating the provisions thereof, and to amend section twenty-one of an act entitled, "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7th, 1852; and to repeal all laws inconsistent with this bill.

Was read a second time.

Mr. Johnstom moved to amend the bill by striking out all that relates to 60 days residence in the township.

On motion by Mr. Conner,

The bill and pending amendment were referred to the committee on the judiciary, with instructions to strike out the emergency clause.

No. 18. A bill to amend section five and six of chapter one hundred and ten vol. one, Revised Statutes.

Was read a second time, and

Referred to the committee on county and township business.

By unanimous consent,

The order of business was suspended, and

Mr. Cainahan, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred

Senate bill No. 1. A bill to appraise the real estate, and to make the value thereof uniform throughout the State, and

Senate bill No. 3. A bill to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto; and

Senate Bill No. 22. A bill to appraise the real estate of this State, and to make the value of the same equal and uniform,

Have had the same under consideration, and directed me to report that they recommend that bills Nos. 1 and 22 aforesaid, lie upon the table, and that bill No. 3 be amended as follows, to-wit:

Strike out of sec. 1, 2d line printed bill, the words "in conjunction with the county auditor."

Add to the 4th line of the same section, after the word "called," the words "and every five years thereafter."

In the 7th line of said bill, before the word "auditor," add the word "county."

Strike out of the 8th and 9th lines of the same section, the words "second Monday of July, 1859, if he shall so long discharge his duties faithfully," and insert in lieu thereof the words "completion and return of his appraisement."

Strike out of the 10th line of the same section, the words "and auditor."

Strike out sec. 14.

In sec. 15, 2d line, after the word "dollars," add the words "per day."

Strike out of the 7th line of same section, the word "assessments," and insert the word "appraisement."

Add, in the 9th line of same section, after the word "up," the words "with a recapitulation of the whole by civil townships."

Strike out of the 5th line of sec. 17, the words "subject to presentment and indictment by the grand jury of the county," and insert the words "be deemed guilty of a misdemeanor, and fined in any sum not less than five, nor more than five hundred dollars."

Strike out of the 6th line of same section, the word "jury," and insert "court or jury."

Strike out all of sec. 17 after the words "trying the same," in the 6th line thereof.

Strike out the word "which" in the 4th line of sec. 19, and insert the words "and the taxes assessed thereon;" also add at the end of said section, the words "as other taxes are collected by him."

Strike out section 24.

Strike out section 26.

And after the foregoing proposed amendments shall have been adopted, they recommend the passage of the bill.

Senate bills Nos. 1 and 22, referred to in the foregoing report, were laid on the table.

Mr. Studabaker moved to amend the bill so as to authorize the county commissioners to appoint, and permit the county auditor to appoint, the appraisers.

Which,

On motion by Mr. Bennet,

Was laid on the table.

Mr. Conner moved to further amend the first section of the bill, 4th line, by striking out the word "county," and insert the word "township," so as to require the appointment of an appraiser in each township.

Which,

On motion by Mr. Hargrove,

Was laid on the table.

Mr. Gooding moved to strike from the first section of the bill all that requires the appointment of appraisers by the board of county



commissioners, and so change it as to provide for the election of the same by the people, on the first Monday of April, 1859, and every five years thereafter.

Mr. Green moved to amend the amendment so as to elect after the first appointment.

Mr. McLean moved to lay the amendment, and the amendment to the amendment on the table.

Mr. Green called for a division of the question.

The question being, shall the amendment to the amendment be laid on the table?

It was agreed to.

The question being, shall the amendment be laid on the table?

The ayes and noes being demanded by Senators Gooding and Jones.

*Those who voted in the affirmative were,*

Messrs. Anthony, Bobbs, Carnahan, Cobb, Green, Hargrove, Heffren, Hendry, Jennings, Johnston, Kinley, Line, Lomax, McClure McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Turner, Williams and Wilson—29.

*Those who voted in the negative were,*

Messrs. Beeson, Bennett, Blair, Brown, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Hill, Jones, Rice, Studabaker and Thompson—17.

So the amendment was laid on the table.

Mr. Gooding moved to amend section first of the bill, by inserting in the 11th line of the same, after the word "appraiser," the words "not exceeding three in number."

Which was not agreed to.

Mr. Line moved to amend section first, in the 7th line, after the word "auditor," by inserting the words "and commissioners."

Which was not agreed to.

On motion by Mr. Murray,  
The bill was amended by adding the following section:

SEC. —. At the annual election on the second Tuesday of October, 1863, and every five years thereafter, an appraiser for the coun

ty shall be elected by the people thereof, who shall, after the first day of January thereafter, proceed to discharge the duties required by this act.

Mr. Heffren moved to strike out the words "not less than," in the 2d line of section 15, so as to fix the per diem of appraisers at two dollars per day.

Which was agreed to.

On motion by Mr. Murray,

All of section 15, after the words "added up," in the 9th line thereof, was stricken out.

Mr. Murray moved to amend section 19 by adding to the same as follows :

"Unless otherwise ordered by the county board of equalization."

Mr. Green moved to amend the amendment by striking out "county board of equalization," and inserting "board of county commissioners."

Which was agreed to.

On motion by Mr. Blair.

The 25th section of the bill was amended by striking out of the 3d line the words "as provided by law," and inserting the words "shall have been made as provided in this act."

On motion by Mr. Heffren,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

The Senate resumed the consideration of Senate bill No. 3, and the report of the committee on the same, pending at adjournment.

Mr. Cravens moved to amend the bill by adding the following section :

SEC. —. That this act shall be deemed and held to be in force

from and after the expiration of the act of 1851 for the appraisal of the real estate of this State, and making the same uniform throughout the State, and that all persons who have paid their taxes since the expiration of the same shall be entitled to a credit or charged with and required to pay the difference between the amount so paid under the assessment upon the valuation provided for and made by the provisions of the said act of 1851, and the valuation herein provided for, and also that all persons who have been returned delinquent shall be required to pay the amount which would have been assessed had this act been in force from and after the expiration of the said act of 1851.

Which was not agreed to.

On motion by Mr. Johnston,

Section 18 was amended by adding to said section, after the words "refused to furnish a list," the words "and he is hereby required to notify such person so refusing of the penalty prescribed."

On motion by Mr. Conner,

Section 2 was amended, in the 4th line, by inserting after the word "county," the words "upon actual view."

The report of the committee, as amended, was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

By unanimous consent,

The order of business was suspended, and  
Mr. Heffren introduced

Senate bill No. 53. A bill to provide for the transferring of the bonds of the State of Indiana, providing for a registry of the same, and to prevent a fraudulent issue thereof, and providing punishment for the same.

Which was read a first time.

Mr. Heffren moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cooper, Cravens, Craven, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Robin-

son, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—42.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title; and

On motion.

Referred to the committee on finance.

By unanimous consent,  
Mr. Murray introduced

Senate bill No. 54. A bill to amend the title of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a more uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Tarkington introduced

Senate bill No. 55. A bill to provide for the safe-keeping of the public money, and of bonds and other securities entrusted to the care of certain officers herein mentioned.

Which was read a first time, and passed to a second reading on to-morrow.

Senate Bill No. 19. A bill to amend the twelfth section of an act entitled, "An act to authorize the construction of levees and drains," approved June 12th, 1852,

Was read a second time; and

On motion by Mr. Beeson,  
Referred to a select committee of five.

The President appointed Senators Beeson, Bennett, Shoemaker, Culver and O'Brien said select committee.

Senate Bill No. 20. A bill to authorize the incorporation of associations, formed for building towns in this State,

Was read a second time; and

Referred to the committee on corporations.

Senate Bill No. 21. A bill to amend an act entitled, "An act concerning real property, and the alienation thereof," approved May 6th, 1852,

Was read a second time; and

Referred to the committee on the judiciary.

Senate Bill No. 24. A bill to authorize the empannelling of petit jurors in the court of common pleas, and to repeal an act therein named,

Was read a second time; and

Referred to the committee on the organization of courts.

Senate bill No. 25. A bill to provide for the redemption or purchase of the bank bonds, and Indiana and other stocks, and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith,

Was read a second time; and

On motion,

Referred to a select committee of five.

The President appointed Senators Bobbs, March, Steele, Heffren and Carnahan said select committee.

Senate Bill No. 26. A bill supplemental to an act entitled, "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and to establish township libraries, and for the regulation thereof," approved March 5th, 1855,

Was read a second time; and

On motion,

Referred to the committee on education.

Senate Bill No. 27. A bill regulating the jurisdiction and duties of justices of the peace in cases of attachment,

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

No. 28. A bill to provide for the election of United States Senators,

Was read a second time.

Mr. March moved to amend the bill by striking out from the enacting clause and inserting the following:

That the election of United States Senators may be held at any time during any session of the Legislature whenever a vacancy in that office exists or occurs, or at any session next preceding the time when, according to law, such vacancy shall occur; and the places of holding such election shall be the same as are now, or may hereafter be prescribed by law for the sittings of the two Houses of the General Assembly.

SEC. 2. The manner of said election shall be by *viva voce* vote of the Senate and House of Representatives, separately had, and a majority of the whole number of the members of the Senate and a

majority of the whole number of the members of the House of Representatives concurring in the same choice, shall be necessary to an election.

SEC. 3. It is hereby declared to be the duty of the Secretary of the Senate, and the Clerks of the House of Representatives, to spread at large upon the journals of their respective Houses, as in the case of a vote by ayes and noes, each vote had at such election, and to make out a fair transcript of the same, together with all the proceedings of the said Houses respectively in relation thereto, which transcript of the Senate journals shall be signed by the President of the Senate, and that of the House of Representatives by the Speaker thereof, and when so signed the same shall be transmitted to the Secretary of State, who shall file the same in his office, and shall forthwith make out and transmit to each person elected to the office of Senator of the United States, a complete transcript of the same, which the said Secretary of State shall certify under his hand and the great seal of the State, and the said transcript so certified shall be sufficient evidence of such election. But should any one or all of the officers, whose duty it is in this section before declared, neglect, fail or refuse to discharge his duty as hereinbefore prescribed, then, and in that case, sworn copies of the journals of the two Houses, verified by the affidavit of any sworn officer, or by any member of the respective Houses comprising the General Assembly, shall in all cases, and for all purposes, be deemed, taken and received as competent and sufficient evidence of such election: *Provided, however,* That such sworn copy or copies of such journals shall in all cases be accompanied by a resolution of each House declaring the neglect, failure or refusal of such officer or officers to discharge his or their duties as hereinbefore prescribed; and a copy of such resolution sworn to as provided for in the case of the journals aforesaid, shall in all cases be deemed, taken and received as sufficient evidence of such neglect, failure or refusal of such officer or officers, and entitle the aforesaid journals of the two Houses of the General Assembly to the same faith and credit as if certified under the broad seal of the State as hereinbefore provided.

SEC. 4. The elections herein provided for may be entered into at any time in either House, upon motion and assent of the House thereto, and nominations shall be made and votes taken as in cases of electing officers of the respective Houses.

SEC. 5. The failure, neglect or refusal of any one of the officers named in the third section of this act, upon the request of any person elected to the office of Senator of the United States, as herein provided, to perform any duty or duties imposed upon him by this act, shall be deemed and is hereby declared to be a misdemeanor, and upon prosecution by information in the court of common pleas of Marion county, and conviction thereof, the person so failing, neglecting or refusing shall be fined in any sum not less than five hundred nor more than one thousand dollars.

SEC. 6. Inasmuch as this State is now wholly unrepresented in

the Senate of the United States, no person having been elected thereto by the Legislature of the State since the General Assembly in the year one thousand eight hundred and fifty-three, and it is necessary that an election to fill the vacancies in said office occasioned hereby, an emergency exists for the immediate taking effect of this act; it is therefore hereby declared to be in force from and after its passage.

On motion by Mr. Hargrove,

The bill and pending amendments were referred to the committee on federal relations.

Senate bill No. 29. A bill to extend to borrowers of the Sinking Fund, Surplus Revenue Fund, College Fund, Saline Fund, Congressional Township Fund and other funds, time for the payment of their loans, and prescribing the duties of the proper officers in relation thereto;

Was read a second time, ordered to be engrossed and passed to a third reading on to-morrow.

Senate bill No. 30. A bill to amend section 655 of article 37 of "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity;"

Was read a second time; and

Referred to the committee on canals internal improvements.

Senate bill No. 31. A bill to fix the time of holding the courts of common pleas in the county of Bartholomew;

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 32. A bill to amend an act entitled "an act providing for the election and qualifications of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9th, 1852;

Was read a second time; and

Referred to the committee on the judiciary.

Senate bill No. 33. "A bill for the protection of the Sabbath with penalties for the violation thereof, and to repeal an act entitled an act for the protection of the Sabbath, and providing penalties for the desecration thereof," approved February 28, 1855;

Was read a second time; and

Referred to the committee on temperance.

Senate bill No. 34. A bill to prescribe the duties of assessors so

as to provide for making their list of farm products, domestic animals, and other property every four years, and in regard to the duties of county auditors and Auditor of State in connection therewith, and to repeal all laws conflicting therewith ;

Was read a second time ; and

Referred to the committee on agriculture.

Senate Bill No. 35. A bill to amend the first section of an act entitled, "an act concerning interest on money," approved May 27, 1852 ;

Was read a second time ; and

Referred to the committee on finance.

Senate Bill No. 36. A bill to prohibit the issue of unauthorized paper currency, making it a felony for the making and circulating thereof ;

Was read a second time ; and

Referred to the committee on banks.

Senate Bill No. 37. A bill to provide for the letting of the State printing to the lowest responsible bidder, and to provide for the measuring and superintending of the same ;

Was read a second time ; and

Referred to the committee on public printing.

Senate Bill No. 38. A bill to amend section 2 of an act entitled "an act to authorize the Commissioners of the Sinking Fund to receive substitutions of stock, mortgages, and for other purposes," approved January 27, 1857 ;

Was read a second time ; and

Referred to the committee on finance.

Senate Bill No. 40. A bill to amend section ten of an act entitled, "an act providing for the election and qualifications of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852 ;

Was read a second time ; and

Referred to the committee on the judiciary.

Senate Bill No. 41. A bill in relation to the publication of legal advertisements ;

Was read a second time ; and

Referred to the committee on the judiciary.

Senate Bill No. 42. A bill to repeal an act entitled, "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved January 26, 1857 ;

Was read a second time ; and

Referred to the committee on temperance.



Senate Bill No. 43. A bill to amend an act entitled, "an act to authorize the formation of new counties, and to change county boundaries," approved March 7, 1857;

Was read a second time; and

Referred to the committee on the judiciary.

By unanimous consent,

The order of business was suspended, and

On motion by Mr. Wallace,

*Resolved*, That the committee on banks be instructed to inquire into the expediency of passing an act prohibiting the several banks of the State from emitting bills of a less denomination than ten dollars, and providing a suitable penalty for circulating within the limits of this State bills of banks of other States, of a less denomination than that above stated.

On motion by Mr. Line,

The Senate adjourned.

THURSDAY MORNING, 9 o'CLOCK, }  
December 2, 1858. }

The Senate met.

The Journal of yesterday was read.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Cooper, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred the following resolution:

*Resolved*, That the committee on roads be instructed to inquire into the expediency of declaring water courses public highways, and

making it the duty of the supervisors to keep them free from obstruction, and report by bill, or otherwise,

Have had the same under due consideration, and report that it is inexpedient.

Which report was concurred in.

#### RESOLUTIONS.

On motion by Mr. Green,

*Resolved*, That the committee on swamp lands be authorized to send for papers and witnesses to enable them to fully investigate the alleged frauds committed in the management of the swamp lands, and the funds arising from the sales of said lands.

On motion by Mr. Conley,

*Resolved*, That the committee appointed during the session of the General Assembly in the year 1857 to investigate the conduct and methods resorted to by persons to secure the passage of the charter for the Bank of the State of Indiana, be requested to report to this body as soon as they can do so.

Mr. Fisk offered the following :

*Resolved*, That the committee on the judiciary inquire into the inefficiency of the present "Insurance Law," and the difficulties attending its enforcement, and report by bill or otherwise.

Which was not agreed to.

On motion by Mr. McLean,

*Resolved*, That the judiciary committee be requested to inquire into the expediency of so amending the Justices' Act as to make the jurisdiction of magistrates in civil cases, coextensive with their counties respectively, instead of townships, as the law now exists, and if the same be expedient, to report a bill to that effect at as early a day as practicable.

By unanimous consent,

The order of business was suspended, and

Mr. Steele introduced the following report from a select committee :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 15,

"a bill to authorize and empower the county commissioners or board doing county business in any county, to take possession of and control any and all plank, gravel and McAdamized roads in their respective counties, which may have been abandoned by their corporations," report that they return the bill without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Johnston,

*Resolved*, That the committee on agriculture be instructed to inquire into the expediency of enacting some law for the better protection of fencing and timber against hunting parties, and report by bill or otherwise.

Mr. Bobbs offered the following preamble and resolution :

WHEREAS, Elijah Newland, when Treasurer of State, loaned to the Madison Railroad Company \$32,000 ; AND WHEREAS, the said Company failed to repay the same in time to make payment to the Messrs. Harper for books furnished the township libraries, according to the contract with them ; AND WHEREAS, from default of said payment at the time specified, two acceptances in lieu thereof, for \$16,000 each, payable respectively at eight and twelve months, in the city of New York, were accepted by the Treasurer ; AND WHEREAS, interest for such deferred payment was allowed and paid by the Treasurer out of the township library fund ; therefore, be it

*Resolved*, That the Attorney General be directed to institute proper proceedings for the recovery of \$1,960 due the library fund for interest paid the Messrs. Harper from said fund, not authorized by law, in the year 1854, with interest from the date of such payment : *Provided*, no adjustment of the same has been effected.

On motion by Mr. Heffren,

The preamble and resolution were referred to the committee on finance.

#### BILLS INTRODUCED.

Mr. Murray introduced :

Senate bill No. 56. A bill to amend the 103d section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions, in the courts of this State," approved June 17, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Murray introduced

Senate bill No. 57. A bill to amend the 381st section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Blair introduced

Senate bill No. 58. A bill to amend the 37th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1858.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Anthony introduced

Senate bill No. 59. A bill to amend the 3d section of an act entitled "an act regulating the licensing of pilots at the falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses," approved June 15, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Lomax introduced

Senate bill No. 60. A bill to amend an act entitled "an act authorizing county agricultural societies to purchase and hold real estate," approved Feb. 7, 1858.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Bennett introduced

Senate bill No. 61. A bill to repeal section 10, chapter 2, of an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof, approved June 11, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Heffren introduced

Senate bill No. 62. A bill to provide for the relief and support of married women when deserted by their husbands, and of children when deserted by their parents, by the sale of property, and to repeal all laws in conflict herewith.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Bennett introduced

Senate bill No. 63. A bill defining embezzlement, and prescribing the punishment thereof.

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Heffren,  
The order of business was suspended, and

Senate bill No. 3. A bill to provide for the appraisement of real estate and prescribing the duties of officers in relation thereto;  
Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Carnahan, Cobb, Conley, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—15.

*Those who voted in the negative were,*

Messrs. Bennett and Conner—2.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

By unanimous consent,  
The order of business was suspended, and  
Mr. Wallace introduced

Senate Joint Resolution No. 3. A joint resolution touching the indebtedness of the State Bank of Indiana to the State, and ap-

pointing a joint committee to make certain investigations concerning the interests of the State in said bank.

Which was read a first time, and passed to a second reading on to-morrow.

#### SENATE BILLS ON THEIR SECOND READING.

Senate bill No. 44. A bill for the distribution, investment and safe-keeping of the school fund arising from the 114th section of an act establishing a State Bank, approved January 28th, 1834, and for the election of Sinking Fund Commissioners;

Was read a second time; and

On motion by Mr. Studabaker,

Referred to a select committee of five.

The President appointed Senators Studabaker, Hendry, Miller, March and Williams said select committee.

Mr. Gooding moved to instruct the committee to amend the first section of the bill so as to require the appointment of five commissioners, instead of three.

Which was not agreed to.

Senate bill No. 45. A bill to amend sections 20, 21 and 22 of "an act regulating general elections and prescribing the duties of officers in relation thereto," approved June 7th, 1852, and repealing sections 29 and 30 of said act, and adding provisions supplemental thereto;

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Mr. Johnston moved to instruct the committee to strike out all that part of the bill that requires a thirty days' residence in the county, and a twenty days' residence in the township or ward.

On motion by Mr. McLean,

The instruction was amended so as to require the committee to inquire into the constitutionality of the bill.

Mr. Heffren moved to further instruct the committee to inquire into the expediency of adding the following section to the bill:

SEC. —. That in all cases where evidence other than that of the person offering the vote, is required, a jury of twelve freeholders shall be empannelled to try the right of the said person to vote.

Which was not agreed to.

Senate bill No. 46. A bill to amend the 9th section of an act enti-

tled "an act to exempt property from sale in certain cases," approved February 17th, 1852;

Was read a second time; and

On motion by Mr. McLean,

Referred the committee on the judiciary.

On motion by Mr. Line,  
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

The President laid before the Senate the following communications from the Treasurer of State :

OFFICE OF TREASURER OF STATE, }  
Indianapolis, December 1, 1858. }

HON. A. A. HAMMOND,

*President of the Senate :*

I have the honor of replying to the Senate's resolution of inquiry passed on the 30th ult., as follows: As to the "amount of money required to meet the present deficit in the revenues of the State, and the wants for the coming year," would call the attention of the Senate to the balances and estimates contained in the report of the Auditor of State now before it. As to whether loans can be made, where, and at what cost, I have to say, that the Sinking Fund Board will give no positive assurances to furnish the required amount, but that money can be loaned upon the credit of the State abroad, at the rate of six per cent. per annum, or less.

Respectfully,

Your obedient servant,

AQUILLA JONES,  
*Treasurer of State.*

OFFICE OF TREASURER OF STATE, }  
 Indianapolis, December 1, 1858. }

HON. A. A. HAMMOND,

*President of the Senate :*

SIR:—In reply to a 'resolution of the Senate asking for information as to the amount of money paid out by me for attorney's fees, I have to say that my report shows the amount paid out by me and the various funds charged with the same. My voucher is the warrant of the Auditor, and as these do not contain a history of the service performed, which entitles a party to a warrant, it is impossible for me to show, officially, what is desired. The vouchers for warrants are filed, as a matter of course, in the Auditor's office where they originate, and to these files I refer you for the information sought.

Respectfully, yours,

AQUILLA JONES,  
*Treasurer of State.*

The President laid before the Senate the following communication and report from the Attorney General :

OFFICE OF ATTORNEY GENERAL, }  
 Indianapolis, December 2, 1858. }

*To the Senate of Indiana :*

On the 27th ult. the following resolution was transmitted to me by Secretary, James H. Vawter :

“ *Resolved*, That the Attorney General be requested to inform the Senate, at the earliest opportunity, the condition of the claims of the State of Indiana against Allen May, endorsed by Messrs. Bright and Drake, the amount thereof, and what steps have been taken to collect the same since the adjournment of the last Legislature; and if the same have not been sued, the reasons for such neglect.”

In answer to the first part of the inquiry embraced in the above resolution, I hereunto transmit copies of claims referred to. As to the last branch of the inquiry, I will state that on the 7th of February, 1857, William R. Nofsinger, then Treasurer of State, on the call of the House of Representatives, reported to the Legislature of that year a full and faithful account of these claims, which report will be found in the Senate Journal of 1857, page 305, and to which I refer the Senate. From this report it will be seen that at that time Mr. May, the principal, had failed, and that the securities, Messrs. Bright and Drake, although regarded as eventually good, were laboring under embarrassments that placed it out of their power to meet the bills at that time. “The parties,” says Mr. Nofsinger, “have



ample means in their hands to pay the claims, and all they need is time to convert property into cash." This report was placed on the files of both Houses of the General Assembly, and there the motion rested. No act or joint resolution was passed directing the officers of State in the premises.

The Legislature after taking cognizance of the subject matter, by their resolution of inquiry, suffered it to rest under the representation of the Treasurer of State, that time was required to enable the parties to meet the bills.

Shortly after the adjournment of the last Legislature, Mr. Jones, the present Treasurer of State, and successor of Mr. Nofsinger, placed copies of these claims in my hands with verbal directions to take such course consistant with my authority in the premises, as law officer of the State, as I deemed best. On receiving the report of Mr. W. R. Nofsinger, above referred to, and the action of the Legislature in regard to the same, I did not feel at liberty to place the same in litigation, but called upon the parties to inform them that they were handed over to me. From the parties I have received repeated assurance that they were willing to adjust and settle the claims in such manner as the Legislature should direct. For these causes no suit has yet been brought, and I still hold the claims ready to take such course in regard to them as the Legislature may prescribe.

All of which is respectfully submitted,  
J. E. McDONALD,  
*Attorney General.*

Which was referred to the committee on finance.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 47. A bill allowing the formation, and defining the liabilities of limited partnerships,

Was read a second time, and

Referred to the committee on corporations.

Senate bill No. 48. A bill to amend the 433d section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 14th, 1852,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 49. A bill to amend an act entitled "an act to provide for a general and uniform system of common schools and

school libraries, and matters properly connected therewith," approved June 14, 1852,

Was read a second time, and

Referred to the committee on rights and privileges.

By unanimous consent,

The order of business was suspended, and

Mr. Heffren, from the select committee on bank frauds, appointed at the last session of the Senate, submitted the following supplemental report :

MR. PRESIDENT :

The select committee appointed under a resolution of the Senate on the 17th day of January, 1857, and by resolution of the Senate of March 6th, 1857, empowered to continue in session after the adjournment of the Legislature of that year, known as the "Bank Investigating" or "Bank Fraud" Committee, having discharged the duties devolved upon them, and furnished to the Senate and to the public a full publication of their proceedings, together with their deductions and recommendations, would now, with a view to the closing up of their labors, and a final discharge from service, submit this supplemental report.

The Senate, at the session of 1857, directed that Joshua S. McDowell, Sergeant-at-Arms, be allowed for subpoenaing witnesses to appear before this committee the same fees that sheriff's are allowed by law for similar services. But through oversight or mischance, provision was not made in the specific appropriation bill for the payment of that official. That officer, and those who officiated as his assistants, are entitled at your hands to compensation for their services.

To aid in determining the amount due to him and them, that they may be compensated fairly without prodigality on the one hand or parsimony on the other, your committee have carefully passed upon every item of service, and unite in recommending appropriations for mileage, service and return of writs, to the persons, and in the amounts following, to-wit :

To Joshua S. McDowell, Sergeant-at-Arms, for services, as per schedule hereunto attached marked A, the sum of.....	\$631 05
And as compensation for correspondence with sheriffs and postage in that behalf expended, the further sum of.....	15 00
To D. C. Shanks, assistant Sergeant-at-Arms, for services, as per schedule hereunto attached, marked B, the sum of.....	179 40

To T. A. McDowell, Assistant Sergeant-at-Arms, for services, as per schedule hereunto attached, marked C, the sum of.....	\$53 90
To George W. Randall, Assistant Sergeant-at-Arms, for services, as per item No. 1 in schedule hereunto attached, marked D, the sum of .....	14 40
To Geo. W. Burns, Assistant Sergeant-at-Arms, for services, as per items No. 2 in same schedule, the sum of	5 00
To ——— Bucle, Assistant Sergeant-at-Arms, for services, as per items No. 3 in same schedule, the sum of..	6 20
To John Rea, Assistant Sergeant-at-Arms, for services, as per items No. 4 in same schedule, the sum of.....	7 70
To John L. Dew, Assistant Sergeant-at-Arms, for services, as per item No. 5 in same schedule, the sum of...	2 60
To J. W. Plummer, Assistant Sergeant-at-Arms, for services, as per item No. 6 in same schedule, the sum of.	7 20
To John L. Menaugh, Assistant Sergeant-at-Arms, for services, as per items No. 8 in same schedule, the sum of.....	30 90
To Andrew McKenzie, Assistant Sergeant-at-Arms, for services, as per items No. 7 in same schedule, the sum of.....	3 20
To S. H. Caskey, Sheriff of Rush county, for services, as per item No. 1 in schedule marked E, hereunto attached, the sum of .....	1 80
To James W. Brodie, Sheriff of Sullivan county, for services, as per items No. 2 in same schedule, the sum of.....	2 60
To R. M. Salyas, Sheriff of Jefferson county, for services, as per items No. 3 in same schedule, the sum of..	1 86
To Martin Anthus, Sheriff of Knox county, for services, as per items No. 4 in same schedule, the sum of.....	1 60
To John Wertz, Sheriff of Miami county, for services, as per items No. 5 in same schedule, the sum of.....	20
To Peter Bowman, Deputy Sheriff of Steuben county, for services, as per item No. 6 in same schedule, the sum of.....	1 80
To William McCleary, Sheriff of Fayette county, for services, as per items No. 7 and 13 in same schedule, the sum of.....	1 40
To Enoch Boughman, Sheriff of Jackson county, for services, as per items No. 8 in same schedule, the sum of .....	1 50
To H. Keeney, Sheriff of Switzerland county, for services, as per item No. 9 in same schedule, the sum of...	1 40
To Morgan Chandler, Sheriff of Hancock county, for services, as per item No. 10 in same schedule, the sum of.....	50

To John M. Pound, Sheriff of Clark county, for services, as per item No. 12 in same schedule, the sum of.....	50
To Milo D. Ellis, Sheriff of Wabash county, for services, as per item No. 14 in same schedule, the sum of.....	1 40
To A. J. Ridman, Sheriff of Tipton county, for services, as per item No. 15 in same schedule, the sum of.....	50
To John D. Wilson, Sheriff of Dearborn county, for services, as per item No. 16 in same schedule, the sum of.....	50
To William M. Campbell, Sheriff of Randolph county, for services, as per items No. 17 and 20 in same schedule, the sum of.....	60
To William B. Low, Sheriff of Union county, for services, as per item No. 18 in same schedule, the sum of..	1 00
To A. S. Jones, Sheriff of Warren county, for services, as per item No. 19 in same schedule, the sum of.....	1 30
To William Fleming, Sheriff of Allen county, for services, as per item No. 21 in same schedule, the sum of..	50
To J. H. Johnson, Sheriff of Owen county, for services, as per item No. 22 in same schedule, the sum of.....	1 60
To Thomas Lyons, Sheriff of Fountain county, for services, as per item No. 23 in same schedule, the sum of.....	1 30
To Silas D. Hackleberry, Sheriff of Jennings county, for services, as per item No. 23 in same schedule, the sum of.....	1 40

Your committee would suggest the following amendments to the allowances to witnesses heretofore recommended, to-wit :

On page 307 of the Bank Fraud Journal, that the words, "for 272 miles travel \$13 60, in the account of James Dick, be stricken out. On page 311, in the account of John Hunt, of Madison, that the words, "for 100 miles travel \$5 00," be so amended as to read: "For 68 miles travel \$3 40," and on page 312, in the account of Samuel Judah, that the words, "for 272 miles travel \$13 60," be stricken out.

The allowances recommended in the published journal of the committee, with the amendments herein suggested, and the additional allowances suggested in this supplemental report, are as nearly correct as your committee can make them, after patient investigation, with all the light at command.

In conclusion it may not be amiss to add that no provision has as yet been made for the payment of the committee for their services.

Incomplete as are the labors of the adjourned session, that incompleteness is attributable, as your committee believe, to a want of time and power, and not to any lack of zeal or energy on their part. Every hour of the two weeks allotted to them was faithfully employed in the taking of testimony; and when that time was exhausted their labors were scarcely begun. The committee met many times at the Capitol for the purpose of agreeing upon a report; they would

meet, compare views, parcel out their labors, separate and meet again. This order of exercise was repeated over and over again, until, finally, about the first of October, 1857, their reports were ready for the press.

They would therefore respectfully suggest that thirty-five days is a small estimate for the time actively employed by them, after the adjournment of the Legislature of 1857, and prior to the meeting of this extra session, in the discharge of the duties assigned.

## SCHEDULE A.

NAMES OF WITNESSES SUBPENAED.]	No. Miles.	Service.	Return.	Total.
Wm. C. Tarkington .....	104	30	10	\$5 60
Chas. D. Murray.....	2	30	10	50
John Hunt, of Wayne.....	126	30	10	6 70
A. W. Hubbard.....	90	30	10	4 90
W. C. Tarkington.....	2	30	10	50
W. B. Beach .....	2	30	10	50
Miles Murphy.....	100	30	10	5 40
Charles W. Cottom.....	2	30	10	50
I. W. Burson .....	100	30	10	5 40
John L. Robinson .....	2	30	10	50
E. W. Taylor.....	2	30	10	50
John Law.....	384	30	10	19 60
Saml. S. Woods.....	300	30	10	15 50
Thomas L. Smith .....	2	30	10	50
W. H. Talbott.....	2	30	10	50
W. T. Dennis.....	136	30	10	7 20
James H. Suit .....	2	30	10	50
James W. Hervey.....	30	30	10	1 90
Sol. Meredith.....	106	30	10	5 70
E. Y. Burkam.....	170	30	10	8 90
Saml. J. Anthony.. ..	308	30	10	15 80
Michael G. Bright.....	2	30	10	50
W. McKee Dunn.....	172	30	10	9 00
J. W. Chapman .....	172	30	10	9 00
G. M. Jeroloman .....	2	30	10	50
A. L. Wheeler .....	2	30	10	50
A. F. Morrison .....	2	30	10	50
Joseph A. Wright .....	2	30	10	50
H. C. Newcomb.....	2	30	10	50
W. H. Talbott .....	2	30	10	50
John Coburn.....	2	30	10	50
Samuel Burson .....	2	30	10	50
Chas. H. Test.....	2	30	10	50
James Montgomery .....	216	30	10	11 20
James McMurry.....	80	30	10	4 40
John M. Talbott.....	2	30	10	50
Swan Brookshire.....	126	30	10	6 70
Austin H. Brown .....	2	30	10	50
J. W. Gordon.....	2	30	10	50
S. D. Williamson .....	2	30	10	50
C. Ratliff .....	136	30	10	7 20

## SCHEDULE A.—Continued.

NAMES OF WITNESSES SUBPŒNAED.	No Miles.	Service.	Return.	Total.
Lot Day, jr.....	400	30	10	\$20 40
A. C. Blanchard.....	136	30	10	7 20
Graham N. Fitch.....	2	30	10	50
John M. Talbott.....	2	30	10	50
Jerry D. Skeen.....	2	30	10	50
David Kilgore.....	2	30	10	50
George Tague.....	2	30	10	50
John Foster.....	2	30	10	50
Austin M. Pewett.....	2	30	10	50
George W. Brown.....	2	30	10	50
M. T. Carnahan.....	2	30	10	50
Elihu Y. Burkham.....	70	30	10	8 90
C. W. Seeley.....	423	30	10	21 55
Harris Rynulds.....	2	30	10	50
Jesse J. Alexander.....	2	30	10	50
John B. Hall.....	384	30	10	19 60
John S. Pawn.....	2	30	10	50
Wm. Hardin.....	2	30	10	50
Calvin Fletcher.....	2	30	10	50
Thos. M. Sharp.....	2	30	10	50
James M. Ray.....	2	30	10	50
George Tousey.....	2	30	10	50
B. T. Murphy.....	100	30	10	5 40
Samuel Judah.....	2	30	10	50
A. C. Blanchard.....	136	30	10	7 20
W. H. Talbott.....	2	30	10	50
P. A. Hackelman.....	2	30	10	50
John Hunt, of Madison.....	68	30	10	3 80
Andrew L. Osborn.....	300	30	10	15 40
A. P. Willard.....	2	30	10	50
Lewis Burke.....	2	30	10	50
John L. Robinson.....	2	30	10	50
James H. McConnell.....	228	30	.....	11 80
J. W. Burson.....	100	30	.....	5 30
Charles D. Murray.....	110	30	.....	5 80
John Witherow.....	40	30	.....	2 30
Milton Gregg.....	224	30	.....	11 50
David H. Crouse.....	144	30	.....	7 50
Thomas G. Harris.....	400	30	.....	20 30
Cyrus K. Drew.....	384	30	.....	19 50
Jacob R. Hall.....	320	30	.....	16 30
H. Bigler.....	2	30	.....	50
James H. Thomas.....	190	30	.....	9 80

## SCHEDULE A.—Continued.

NAMES OF WITNESSES SUBPŒNAED.	No. Miles.	Service.	Return.	Total.
A. S. Griggs .....	92	30	.....	\$4 90
James F. Parker .....	186	30	.....	9 60
James M. Mather.....	150	30	.....	7 80
Isaac W. Sackett .....	62	30	.....	3 40
V. J. Burnett.....	146	30	.....	7 60
John F. Brothwell.....	360	30	.....	18 30
James S. Wood .....	300	30	.....	15 30
George C. Merrifield.....	382	30	.....	19 40
A. V. Bartholemew .....	300	30	.....	15 30
William Smith .....	400	30	.....	20 30
A. R. McCleery.....	170	30	.....	8 80
David Turner.....	390	30	.....	19 80
John Weston .....	410	30	.....	20 80
G. W. Rathbone.....	390	30	.....	19 80
Andrew Humphreys.....	116	30	.....	6 10
Henry G. Todd.....	40	30	.....	2 30
Michael Combs .....	.....	.....	10	10
James M. Mather .....	104	30	.....	5 50
Luther C. Millett.....	94	30	.....	5 00
William H. Gifford.....	.....	.....	10	10
Milton Peden.....	94	30	.....	5 00
John J. Peyton.....	.....	.....	10	10
John Hunt, of Richmond .....	136	30	.....	7 10
James R. Shields .....	.....	.....	10	10
John Petit....	2	30	.....	40
James P. Drake.....	2	30	.....	40
E. Dumont.....	2	30	.....	40
Sylvanus Manville.....	44	30	.....	2 50
Isaac Vandevanter.....	2	30	.....	40
James Dick.....	2	30	.....	40
J. P. C. Shanks.....	2	30	.....	40
A. F. Morrison .....	2	30	.....	40
William R. Bowes .....	2	30	.....	40
O. P. Gilham .....	300	30	10	15 40



## SCHEDULE B.

NAMES OF WITNESSES SUBPENAED.	No. Miles.	Service.	Return.	Total.
David S. Lewis.....	270	30	10	\$13 90
W. C. Pamer .....	280	30	10	14 40
Samuel H. Patterson.....	216	30	10	11 20
George F. Savity.....	216	30	10	11 20
Townsend Cutshaw.....	288	30	10	14 80
R. Schoonover.....	290	30	10	14 90
E. D. Logan .....	292	30	10	15 00
David Crane.....	224	30	10	11 60
John Briggs.....	224	30	10	11 60
John S. Davis.....	224	30	10	11 60
John S. Davis.....	224	30	10	11 60
John L. Menaugh.....	280	30	10	14 40
P. M. Kent.....	224	30	10	11 60
P. M. Kent.....	224	30	10	11 60

## SCHEDULE C.

NAMES OF WITNESSES SUBPENAED.	No. Miles.	Service.	Return.	Total.
William S. Hillyer.....	224	.....	10	\$11 30
Thomas Stanton .....	126	.....	10	6 40
John D. Defrees .....	2	30	10	50
Robert N. Hudson.....	2	30	10	50
A. W. Sanford.....	150	30	10	7 90
James M. Ray.....	2	30	10	50
Levi Sidwell.....	130	30	10	6 90
Charles H. Test.....	2	30	10	50
P. A. Hackleman.....	92	30	10	5 00
William W. Williams.....	72	30	10	4 00
Geo. W. Harryman .....	200	30	10	10 40

## SCHEDULE D.

NAMES OF WITGESSES SUBPÆNAED.	No. Miles.	Service.	Return.	Total.
Nicholas Peckenpaugh .....	280	30	10	\$14 40
Thomas Walpole.....	2	30	10	50
David Crane .....	2	30	10	50
John R. Cravens.....	2	30	10	50
Cyrus K. Drew.....	2	30	10	50
S. T. Ensey.....	2	30	10	50
J. T. Freeland .....	2	30	10	50
A. S. Griggs.....	2	30	10	50
James F. Parker .....	2	30	10	50
John Weston.....	2	30	10	50
Leroy Woods.....	2	30	10	50
A. Humphreys.....	116	30	10	6 20
J. A. Buchanan.....	142	.....	10	7 20
William H. Talbott.....	2	30	10	50
Jas. S. Hester .....	44	30	10	2 60
A. C. Blanchard.....	136	30	10	7 20
John F. Sims.....	56	30	10	3 20
Michael A. Malott.....	200	30	.....	10 30
William Northcraft.....	200	30	.....	10 30
Samuel F. Irvin.....	200	30	.....	10 30

## SCHEDULE E.

NAMES OF WITNESSES SUBPENAED.	No. Miles.	Service.	Return.	Total.
George C. Clark.....				\$0 90
Jefferson Helm.....				90
David Ulry.....	80	30	10	1 20
James H. Weir.....	100	30	10	1 40
D. C. Branham.....	33	50	10	.....
John R. Cravens.....	33	50	10	93
John McCord.....	120	30	10	1 60
Nelson Dickerson.....	10		10	20
Alonzo P. Clark.....				1 80
Nelson Trusher.....		30	10	40
M. W. Shields.....	110	30	10	1 50
David Cain.....	100	30	10	1 40
T. W. Walpole.....	10	30	10	50
D. M. Drum.....	10	30	10	50
John D. Foutz.....	10	30	10	50
Minor Meeker.....	60	30	10	1 00
Charles S. Ellis.....	100	30	10	1 40
Newton J. Jackson.....	10	30	10	50
Samuel A. Bonner.....	10	30	10	50
Theophilus Wilson.....			10	10
George W. Clark.....	60	30	10	1 00
Calbrath Hall.....	90	30	10	1 30
G. W. Monks.....	10	30	10	50
Charles F. Sturgess.....	10	30	10	50
John D. Montgomery.....	120	30	10	1 60
Isaac M. Coen.....	120		10	1 30
John L. Spann.....	6	30		36
Washington Malick.....	10			40

By unanimous consent,

The order of business was suspended, and

On motion by Mr. Heffren,

*Resolved*, That the Doorkeeper be directed to lay upon the desks of Senators their portion of the reports of the State officers, and the Superintendents' of the Hospitals for 1857 and 1858, together with one copy of the report of the select committee of the last Senate upon bank frauds.

Senate bill No. 50. A bill to amend the 207th and 208th sections of an act entitled "an act to revise, simplify and abridge the rules,

practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, so as to authorize a change of venue in certain cases;

Was read a second time, and

Referred to the committee on the judiciary. 1

Senate bill No. 51. A bill to amend the 1st section of an act entitled "an act to amend the 5th section of an act entitled "an act for the more uniform mode of doing township business," approved March 1, 1853, and to amend sections 6, 7 and 12 of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852;

Was read a second time, and

Referred to the committee on county and township business.

Senate bill No. 52. A bill to render public officers competent to testify as witnesses in actions brought on their relation in the name of the State;

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 54. A bill to amend the title of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852;

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 55. A bill to provide for the safe-keeping of the public moneys, and of bonds and other securities entrusted to the care of certain officers herein mentioned;

Was read a second time, and

Referred to the committee on finance.

#### JOINT RESOLUTIONS ON SECOND READING.

No. 1. A joint resolution relative to the admission of Kansas into the Union as a State, and declarative of the rights of the people thereof.

Was read a second time.

Mr. March moved to amend the joint resolution by striking out from the word "Whereas," in the first line of the preamble of the same, and inserting the following:

At the time of the election to Congress of James Hughes, James B. Foley, William H. English, William E. Niblack and James M. Gregg, in the year 1856, and at the time of the pretended election of Jesse D. Bright and Graham N. Fitch to the Senate of the United States by a portion of the members of the General Assembly of the State of Indiana, during the session of 1857, it was understood that all these gentlemen were the supporters of the principle of popular sovereignty in the States and Territories; AND WHEREAS, said Jesse D. Bright and Graham N. Fitch obtruded themselves into the Senate of the United States without any legal or constitutional authority whatsoever from the people of the State of Indiana, and by unwarrantable usurpation misrepresented them in the Senate of the United States in said contest, and thereby grossly violated and trampled upon the principle not only of popular sovereignty, but also that of State sovereignty; therefore,

*Be it resolved, by the General Assembly of the State of Indiana, That it is the duty of this General Assembly, at the earliest practicable moment, to proceed to the election of two Senators of the United States to fill the vacancies now existing in that body, and that said Senators, when elected, be instructed, and our present Representatives be requested to vote and use their influence for the admission of Kansas into the Union as a State whenever the people thereof demand it; and if necessary to accomplish that object, vote to repeal that part of the act of the Congress called the "English Bill," which fixes the ratio of population as a condition precedent to the admission of Kansas into the Union as a State.*

*Be it further resolved, That the people of any territory, when they form a constitution preparatory to their admission into the Union as a State, absolutely and inherently possess the right to make it in their own way upon the subject of slavery, as upon all other subjects, uninfluenced by any outside interference whatsoever, subject only to the Constitution of the United States; that this right is not now, and never has been called in question by the people of the United States, or by any respectable number thereof.*

Mr. Fisk moved to amend the amendment by striking out the same, and inserting the following:

Now that the citizens of Kansas have unqualifiedly refused to accept the ordinance referred by Congress to them for their ratification prior to their admittance under the Lecompton Constitution, thus negating the assumption that said constitution embodied the will of the majority of the *bona fide* residents of Kansas.

The only practical questions pertinent to that Territory that can arise to disturb the peace of the Union, are as to whether Kansas shall be admitted as a State at any time admission is demanded by her people under a constitution having been fairly submitted to a popular vote, and having received popular approval? Therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That out Senators in Congress are hereby instructed, and our Representatives requested to vote and use their influence for the admission of Kansas into the Union as a State, - whenever the people thereof demand it.

*And be it further resolved,* That we recognize and insist upon the right of the people of any Territory to form and regulate their domestic institutions in their own way, and that as incidental to that great right, we also recognize and insist upon their further right through their Legislature, to pass and establish such laws and regulations relating to their prosperity not in conflict with the Constitution of the Federal Union, as they shall deem proper, without interference by Congress.

Mr. Wallace moved to postpone the further consideration of the joint resolution and pending amendments, till Tuesday next at 10 o'clock, A. M.

Mr. Slack moved to lay the motion on the table.

The ayes and noes being demanded by Senators Slack and Heffren,

*Those who voted in the affirmative were,*

Messrs. Anthony, Bennett, Carnahan, Conner, Cravens, Culver, Fisk, Gooding, Hargrove, Heffren, Jennings, Johnston, Jones, Kinley, Lomax, McClure, McLean, O'Brien, Odell, Shoemaker, Slack, Stevens and Williams—23.

*Those who voted in the negative were,*

Messrs. Beeson, Blair, Bobbs, Brown, Cobb, Conley, Cooper, Cravens, Green, Hendry, Hill, Line, March, Miller, Murray, Rice, Robinson, Steele, Studabaker, Tarkington, Thompson, Turner, Wallace and Wilson—24.

So the motion was not laid on the table.

Mr. Heffren moved to amend the motion by postponing the further consideration of the joint resolution and pending amendments, till two weeks from Tuesday next.

Mr. Slack moved to amend the amendment by postponing till 3 weeks from Tuesday next.

The ayes and noes being demanded by Senators Slack and Heffren.

*Those who voted in the affirmative were,*

Messrs. Anthony, Carnahan, Cobb, Cravens, Culver, Fisk, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, O'Brien, Odell, Robinson, Shoemaker, Slack, Stevens, Studabaker, Williams and Wilson—24.

*Those who voted in the negative were,*

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conley, Conner, Cooper, Craven, Gooding, Green, Hendry, Kinley, McLean, March, Murray, Rice, Steele, Tarkington, Thompson, Turner and Wallace—22.

So the joint resolution and pending amendments were postponed.

No. 2. A joint resolution in reference to the management of the public property of the State of Indiana within the county of Marion, which is not now in the possession or occupancy of said State; but is now adversely or otherwise held and occupied by divers persons, without paying any rent or compensation therefor;

Was read a second time; and

On motion,

Referred to the committee on the affairs of the town of Indianapolis.

By unanimous consent,

The order of business was suspended, and

Mr. Shoemaker introduced

Senate bill No. 64. A bill to provide for the more uniform mode of doing township business,

Was read a first time.

Mr. Williams moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Culver, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—44.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Williams,

The bill was referred to the committee on county and township business.

By unanimous consent,  
Mr. Odell introduced

Senate bill No. 65. A bill to prescribe the mode of electing United States Senators ;

Which was read a first time.

Mr. Heffren moved to suspend the rules and read the bill a second now by its title.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Craven, Culver, Fisk, Hargrove, Heffren, Hendry, Jennings, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Williams and Wilson—26.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Conner, Cooper, Cravens, Green, Hill, Kinley, March, Murray, Robinson, Thompson and Turner—16.

So the rules were not suspended.

Leave being granted,

Mr. Murray offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to report a bill providing for the abolition of the court of common pleas, and transferring the business of said court to the circuit court, also, providing for the increase of the number of circuits, and that said court hold three terms per annum.

On motion by Mr. Gooding,

The further consideration of the resolution was postponed till Tuesday next at 2 o'clock, P. M.

#### SENATE BILLS ON THEIR THIRD READING.

No. 11. A bill in relation to the ventilation and warming county prisons ;

Was read a third time.



The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Brown, Carnahan, Cobb, Conley, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Hargrove, Heffren, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Turner and Wilson—37.

*Those who voted in the negative were,*

Messrs. Blair, Conner, Green, Studabaker and Williams—5.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 15. A bill to authorize and empower the county commissioners or the board doing county business in any county, to take possession of and control any and all plank, gravel and McAdamized roads in their respective counties, which may have been abandoned by their corporations;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hargrove, Heffren, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—13.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

No. 16. A bill for the relief of James O'Brien.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Blair, Bobbs, Brown, Carnahan, Cobb, Conner,

Cooper, Cravens, Craven, Culver, Fisk, Green, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—40.

*Those who voted in the negative were,*

Messrs. Beeson, Bennett, Conley and Gooding—4.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion,

Mr. Bobbs was added to the committee on finance.

On motion,

Senators Steele and Tarkington were added to the committee on State Prison.

On motion by Mr. Wallace,

Senate bill No. 10. A bill providing for assignments in trust for the benefit of creditors, and regulating the mode of administering the same,

Was taken from the table, and

On motion by Mr. Gooding,

Referred to the committee on the judiciary.

On motion by Mr. Green,

Senate bill No. 6. A bill to cure defects in the execution of deeds, or in the certificates of acknowledgments of conveyances of real estate, or any interest therein in the cases therein named, and doing away with a seal or ink scroll in the cases therein named, and to repeal conflicting laws,

Was taken from the table, and

On motion,

Referred to the committee on the judiciary.

On motion by Mr. Line,

The Senate adjourned.

FRIDAY MORNING, 9 o'clock, }  
December 3, 1858. }

The Senate met.

The Journal of yesterday was read.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Wagner presented the petition of Richard Foster, and others, praying an allowance to Aaron Stephenson for pursuing and arresting Nicholas McCarty, a horse thief.

Which was referred to the committee on Claims.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Conner, chairman of the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred Senate bill No. 20, being "a bill to authorize the incorporation of associations formed for building towns within this State," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Stevens introduced

Senate Bill No. 66. A bill requiring parties to civil suits to advance the fees of sheriffs in the cases therein specified.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Bennett introduced

Senate Bill No. 67. A bill to suppress tippling houses, to prevent drunkenness and crime, and to regulate the traffic in intoxicating drinks, spirituous and malt liquors, and to repeal all laws and parts of laws inconsistent therewith.

Which was read a first time.

S. J.—9.

Mr. Bennett moved to suspend the rules, and read the bill now a second time by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Cravens, Culver, Fisk, Green, Hill, Jennings, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner and Wilson—36.

*Those who voted in the negative were,*

Messrs. Carnahan, Hargrove, Johnston and McClure—4.

So the rules were suspended and the bill read a second time by its title; and

Referred to the committee on temperance.

On motion by Mr. Stevens,

The committee were instructed to inquire into the expediency of adding to the bill the following :

SEC. —. All costs taxed by any justice of the peace, or any court having competent jurisdiction, shall be considered a part of the judgment, and the defendant shall stand committed until the judgment and costs are paid.

On motion by Mr. Stevens,

The committee was further instructed to inquire into the expediency of requiring prosecuting attorneys on reasonable grounds of suspicion, to file an information against any person whom he may suppose, from personal observation, to be guilty of any violation of the provisions of this act, before any justice of the peace, or any court having jurisdiction.

By unanimous consent,  
Mr. Turner introduced

Senate Bill No. 68. A bill to amend the 28th, 32d and 51st sections of an act entitled "an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant," approved May 29, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Leave of absence was granted Mr. Conley.

By unanimous consent,  
Mr. Heffren introduced

Senate Bill No. 69. A bill to prevent the circulation of foreign bank bills or notes.

Which was read a first time, and passed to a second reading on to-morrow.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

Senate bill No. 56. A bill to amend the 103d section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions, in the courts of this State," approved June 17, 1852;

Was read a second time; and

Referred to the committee on the judiciary.

Senate bill No. 57. A bill to amend the 381st section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852;

Was read a second time; and

Referred to the committee on the judiciary.

Senate bill No. 58. A bill to amend the 37th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1852;

Was read a second time; and

On motion,

Referred to the committee on temperance.

Senate bill No. 59. A bill to amend the 3d section of an act entitled "an act regulating the licensing of pilots at the falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses," approved June 15, 1852;

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 60. A bill to amend an act entitled "an act authorizing county agricultural societies to purchase and hold real estate," approved Feb. 7, 1855;

Was read a second time; and

On motion,

Referred to the committee on agriculture.

Senate bill No. 61. A bill to repeal section 10, chapter 2, of an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof, approved June 11, 1852;

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 62. A bill to provide for the relief and support of married women when deserted by their husbands, and of children when deserted by their parents, by the sale of property, and to repeal all laws in conflict therewith;

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 63. A bill defining embezzlement, and prescribing the punishment therefor;

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 65. A bill to prescribe the mode of electing United States Senators;

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

#### SENATE JOINT RESOLUTIONS ON THEIR SECOND READING.

Senate Joint Resolution No. 3. A joint resolution touching the indebtedness of the State Bank of Indiana to the State, and appointing a joint committee to make certain investigations concerning the interests of the State in said bank;

Was read a second time; and

On motion,

Referred to the committee on finance.

#### SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 29. A bill to extend to borrowers of the Sinking Fund, Surplus Revenue Fund, College Fund, Saline Fund, Congressional Township Fund and other funds, time for the payment of their loans, and prescribing the duties of the proper officers in relation thereto;

Was read a third time.

On motion by Mr. Green,

The vote ordering the bill to engrossed was reconsidered.

On motion by Mr. Murray,

The bill was recommitted to the committee on education, with instructions to provide that when the officer or officers having charge of the funds shall be about to foreclose the mortgage or collect the money on account of the insufficiency of the security, real or personal, that the borrower may substitute other good security of the same kind.

By unanimous consent,

The order of business was suspended, and

Mr. Murray offered the following preamble and resolution :

WHEREAS, The Senate has now about completed the order of the day; AND WHEREAS, There is a large amount of business before the committees of the Senate, upon which it is desirable that they should have time to deliberate, therefore,

*Resolved*, That when the Senate adjourn, it stand adjourned until to-morrow morning.

Which was agreed to.

Senate bill No. 31. A bill to fix the time of holding the courts of common pleas in the county of Bartholomew ;

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Craven, Culver, Fisk, Gooding, Green, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—42.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Murray,

The Senate adjourned.

SATURDAY MORNING, 9 O'CLOCK, }  
 December 4, 1858. }

The Senate met.

The Journal of yesterday was read.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

The President laid before the Senate the remonstrance of a number of citizens of the county of Vigo against the repeal of the game law.

Which was referred to the committee on temperance.

#### REPORTS FROM STANDING COMMITTEES.

Mr. March, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 6, "a bill to cure defects in the execution of deeds, or in the certificates of acknowledgments of conveyance of real estate or any interest therein, in cases therein named, and doing away with a seal or ink scroll in cases therein named, and to repeal conflicting laws," have had the same under consideration, and directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Blair, chairman of the committee on county and township business, made the following report :

MR. PRESIDENT :

The committee on county and township business to whom was directed a resolution of the Senate "requesting them to inquire into the expediency of so amending the present road law as to pay for the expense of opening new roads out of the township treasury," have had the same under consideration, and have directed me to report that it would be inexpedient so to amend the law on that subject.

Which was concurred in.



## REPORTS FROM SELECT COMMITTEES.

Mr. Studabaker, chairman of a select committee, made the following report :

MR. PRESIDENT:

The select committee to whom was referred Senate Bill No. 44. An act for the distribution, investment and safe-keeping of the school fund arising from the 114th section of "an act establishing a State Bank," approved January 25, 1834, and for the election of sinking fund commissioners, have had the same under consideration, according to order, and directed me to report and recommend that the bill be amended as follows, to-wit:

*First.* Strike out all after the enacting clause in the first section and insert the following :

"That the present General Assembly immediately after the passage of this act, shall elect by joint ballot, two commissioners of the sinking fund, and one President thereof. The first of said commissioners elected shall hold his office for two years, and until his successor shall be elected and qualified; the other said commissioner and president thereof, shall each hold their office for the term of four years, and until their successors are elected and qualified. After the expiration of the said term of two years of the said commissioner first elected, the terms of his successors shall be four years; and the General Assembly shall hereafter, at the first session preceeding the expiration of the term of either of said officers, fill the same by an election as provided by this act. Such president and commissioners of the sinking fund so elected, shall enter upon the discharge of their duties on the first day of January, A. D., 1859, and shall, from time to time, discharge the various duties now required by law of the present board of sinking fund commissioners, and as required by the provisions of this act, and as may be hereafter required by law.

*Second.* In the 3d section, after the word "commissioners" in the 1st line, insert the words "and president," and in the fourth line of the same section, strike out the words "by electing one of their number president," and insert in lieu thereof, these words: "The president as provided for by this act, shall act as the president and treasurer of said board, and as the treasurer thereof shall give additional bond in the sum of ——— dollars, to be filed and approved as in case of the commissioners."

*Third.* Add to the 18th section these words: "The president and treasurer shall receive for their services such reasonable compensation as may be allowed him by the board, or as may be hereafter fixed by law."

The report was concurred in, and the bill laid on the table and one hundred copies ordered to printed for the use of the Senate.

## RESOLUTIONS.

On motion by Mr. Gooding,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of allowing all parties in a civil action to testify as witnesses as in other cases, and report by bill or otherwise.

On motion by Mr. Cravens,

*Resolved*, That the committee on agriculture be directed, if, in their opinion, it shall be deemed advisable, to report a bill providing for greater security and protection to orchards, vineyards and gardens.

On motion by Mr. Conner,

*Resolved*, That the committee on the judiciary be instructed to investigate the power of this General Assembly to provide, by joint resolution or otherwise, for taking up all unfinished and pending business at the close of this session, at the meeting of the General Assembly at the regular session thereof, and acting upon the same, in all respects, as if such business had been introduced at such regular session, and report the result of such deliberation as soon as practicable.

On motion by Mr. Hendry,

*Resolved*, That the committee on banks be instructed to inquire into the expediency of prohibiting, by penal enactments, banks from taking or receiving under the name of exchange, or any other fictitious name, a higher rate of interest than six per centum per annum.

On motion by Mr. Gooding,

Senators Tarkington, Hamilton and Culver were added to the committee on temperance.

On motion by Mr. Conner,

*Resolved*, That the State Librarian be authorized to procure and furnish to the committee on the judiciary one full set of the reports of the Supreme Court of the State, as also one copy of Perkins' Digest, and it shall be the duty of said Librarian, at the close of each session of the General Assembly, to take charge of said books and keep them for the use of said committee, and to produce them to said committee at the meeting of each session of the General Assembly.

## BILLS INTRODUCED.

By unanimous consent,  
Mr. Hill introduced

Senate bill No. 70. A bill supplemental to an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26th, 1857.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Rice introduced

Senate bill No. 71. A bill to amend the 6th section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852, so as to exempt certain property therein named from taxation.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
The order of business was suspended, and  
Mr. Bobbs, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 25, "a bill to provide for the redemption or the purchase of the bank bonds, and Indiana and other State stocks, and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith," have directed to report the same back with the following amendments, and when so amended, recommend its passage:

Amend by striking out the 14th, 15th, 16th and 17th sections of the bill.

Which report was concurred in, and the bill laid on the table and one hundred copies ordered to be printed for the use of the Senate.

Leave being granted,  
Mr. Rice introduced the following resolution:

*Resolved*, That when the Senate adjourns, it will stand adjourned until Monday next at 2 o'clock, P. M.

Which was agreed to.

Leave being granted,

Mr. Stevens introduced the following resolution :

*Resolved*, That the committee on the judiciary be requested to inquire into the expediency of repealing a bill providing that negroes may testify in State cases wherein white persons are interested, and allow the jury to judge of the credibility of such evidence.

Mr. Conner moved to amend the resolution by inserting the word "Indians" after the word "negroes."

Mr. Weir moved to lay the resolution and pending amendment on the table.

The ayes and noes being demanded by Senators Heffren and Murray.

*Those who voted in the affirmative were,*

Messrs. Anthony, Carnahan, Cobb, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Wagner, Weir, Williams and Wilson—20.

*Those who voted in the negative were,*

Messrs. Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Kinley, March, Murray, Stevens, Thompson and Turner—19.

So the resolution and pending amendment were laid on the table.

Leave of absence was granted Senators Beeson and O'Brien.

Leave being granted,

Mr. Line offered the following resolution :

*Resolved*, That the Doorkeeper be and he is hereby authorized to have 300 copies of the names of the post office address, age, nativity, politics, and number of sessions served in either branch of the General Assembly, the county or counties they now represent, for the use of the members of this Senate.

Mr. Stevens moved to amend by requiring each Senator to foot his portion of the bill.

Which was not agreed to.

The resolution was adopted.

Leave being granted,

On motion by Mr. Culver,

*Resolved*, That the judiciary committee be instructed to examine whether the General Assembly can pass a law legally compelling railroad companies to pay for killing animals on highways or commons, where railroads cannot be fenced, and report the same by bill or otherwise.

Leave being granted,

On motion by Mr. Bobbs,

*Resolved*, That the committee on finance be instructed to inquire into the expediency of so amending the law as to lessen the expense of transporting convicts to the State Prison, and to report by bill or otherwise.

By unanimous consent,

Mr. Culver introduced

Senate bill No. 72. A bill to amend section 1 and repeal section 7 of "an act concerning interest on money," approved May 27, 1852.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent,

Mr. Bennett introduced

Senate bill No. 73. A bill to amend the 51st section of an act entitled "an act defining felonies and prescribing punishment therefor," approved June 11th, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,

The order of business was suspended, and

Mr. Craven, chairman of the committee on federal relations, made the following report:

MR. PRESIDENT:

The committee on federal relations to whom was referred Senate

bill No. 28, "a bill to provide for the election of United States Senators," and the proposed amendment, and amendment to the amendment thereto, have had the same under consideration, and instruct me to report it back with the recommendation that said proposed amendment be adopted, and that the title of the bill be amended to read as follows:

"An act to prescribe the time, place and manner of electing United States Senators, and to fix the penalty upon officers failing to certify to said election." And that when said bill, and the title thereto are so amended, recommend its passage.

Mr. Studabaker moved to postpone the further consideration of the report and bill until the 25th day of December.

The ayes and noes being demanded by Senators Bennett and March.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, Odell, Shoemaker, Studabaker, and Williams—12.

*Those who voted in the negative were,*

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, Line, March, Murray, Rice, Robinson, Steele, Thompson, Turner, Wagner and Wilson—25.

So the motion to postpone was not agreed to.

Mr. Hargrove moved to concur in the report of the committee, with a further amendment by striking out the emergency clause.

Mr. Williams moved to amend the motion by recommitting the bill with instructions to so change the same as to require the election of United States Senators by a joint convention of the two Houses of the General Assembly, instead of by the two Houses separately.

On motion by Mr. Carnahan,  
A call of the Senate was ordered.

The Secretary proceed with the call,  
Whereupon,  
The following Senators answered to their names:

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb,

Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, March, Murray, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—40.

Mr. Bennett moved that the Senate now adjourn.

The ayes and noes being demanded by five Senators,

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Cravens, Culver, Jennings, Johnston, Jones, Line, Lomax, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Steele, Wallace, Williams and Wilson—20.

*Those who voted in the negative were,*

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Conner, Craven, Gooding, Green, Hendry, Hill, Kinley, March, Stevens, Studabaker, Thompson, Turner and Wagner—18.

So the motion to adjourn prevailed; and  
Pending the call of the Senate,  
The Senate adjourned.

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MONDAY, 2 o'clock, P. M. }  
December 6, 1858. }

The Senate met.

The Journal of Saturday was read.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate bill

No. 5, "a bill to provide for collection of taxes upon land belonging to railroad and other incorporated companies, and to repeal all laws inconsistent therewith," have had the same under consideration, and have directed me to report the same back to the Senate with the following amendments, after the adoption of which, the committee recommend its passage :

Amend the title of the bill so as to read as follows :

An act to amend the 32d section of "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana ; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and Treasurer and Auditor of State," approved June 21, 1852.

Amend further, by striking out all after the enacting clause, and inserting :

That the 32d section of "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana ; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and which reads as follows, to-wit :

"Sec. 32. It shall be the duty of the president, secretary, agent or other proper accounting officer of every rail road, plank road, turnpike road, slack-water navigation, telegraph and bridge company in this State, to furnish to the auditor of the county where their principal office is situated, a list of all the stock in said company and its value, attested by the oath of the officer making the same, and shall furnish a statement dividing the aggregate amount of all the stock of such company amongst the several counties, in proportion to the value of the superstructure, buildings and real estate of such company in each county, and if such company shall not have in this State its principal office for the transaction of its financial business, it shall be the duty of the president, secretary, cashier, treasurer, engineer or constructing agent of such company to furnish to the auditor of the county where the work first enters the State, a statement, under the oath or affirmation of the officer making it, specifying the amount and value of all real estate owned by such company within this State, the amount expended in the construction of said work within the lines of this State, and the amount invested in machinery and rolling stock of every kind, which said machinery and rolling stock shall be assessed for taxation in the same proportion to its total amount that the length of the line of the work in this State, completed, bears to the entire length of the line of said work completed," be amended so as to read as follows, to-wit :

SEC. 32. It shall be the duty of the president, secretary, agent, or other proper accounting officer of every rail road, plank road,



turnpike road, slackwater navigation, telegraph, and bridge company in this State, to furnish to the auditor of the county where their principal office is situated, a list of all the stock in said company, and its value, attested by the oath of the officer making the same, and shall furnish a statement dividing the aggregate amount of all the stock of such company amongst the several counties, in proportion to the value of the superstructure, buildings, and real estate of each county, used in running and operating said road, and if any such company shall not have in this State its principal office for the transaction of its financial business, it shall be the duty of the president, secretary, cashier, treasurer, engineer or constructing agent of such company to furnish the auditor of the county where the work first enters this State, a statement, under the oath or affirmation of the officer making it, specifying the amount and value of all real estate owned by such company within this State, used by any such company in running and operating their said road, the amount expended in the construction of said work within the lines of this State, and the amount invested in machinery and rolling stock of every kind, which said machinery and rolling stock shall be assessed for taxation in the same proportion to its total amount that the length of the line of the work in this State, completed, bears to the entire length of the line of said work, completed.

And whereas, an emergency exists for the immediate taking effect of this act, by reason of large quantities of land being exempted from taxation in the counties where they lie, the same is therefore hereby declared to take effect and be in force from and after its passage.

Which report was concurred in, and the bill ordered to engrossed and read a third time to-morrow.

Mr. Cobb, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to who was referred Senate bill No. 65, "an act to prescribe the mode of electing United States Senators," have had the same under consideration, and have directed me to report the same back to the Senate, and to recommend its indefinite postponement.

The question being, shall the report of the committee be concurred in?

The ayes and noes being demanded by Senators Odell and McClure,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner and Wagner—25.

*Those who voted in the negative were,*

Messrs. Carnahan, Hargrove, Jennings, Johnston, Lomax, McClure, McLean, O'Brien, Odell, Shoemaker, Slack, Studabaker, Williams and Wilson—14.

So the report was concurred in, and the bill indefinitely postponed.

Mr. Conner, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 56, "an act to amend the 103d section of 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State,' approved June 17th, 1852," have had the same under consideration, and have instructed me to report the same back and to recommend that it be indefinitely postponed.

On motion by Mr. Murray,  
The report was laid on the table.

Mr. Rice, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 63, "an act defining embezzlement and prescribing the punishment therefor," have had the same under consideration, and have instructed me to report the same back to the Senate, and to recommend its indefinite postponement.

Which report was concurred in.

Mr. March, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 59, "an act to amend the 3rd section of an act entitled 'an

act regulating the licensing of pilots at the fall of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots and the revocation of their licenses,' approved June 15, 1852," have had the same under consideration, and directed me to report the same back to the Senate, without amendment, and to recommend its passage.

Which report was concurred in.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred a resolution of the Senate directing said committee to "inquire into the expediency of making the jurisdiction of magistrates in civil cases coextensive with their counties, respectively, instead of townships, as the law now exists," have had the same under consideration, and have instructed me to report to the Senate that any change in the existing law to which the resolution refers, is inexpedient.

Which report was concurred in.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate bill No. 61, "a bill to repeal section 10, chapter 2, of an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof,' approved June 11, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate, and to recommend its indefinite postponement.

On motion by Mr. Bennett,  
The report was laid on the table.

Mr. Steele, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred Senate bill No. 30, "a bill to amend section 655 of article 37 of 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration

of justice in a uniform mode of pleading and practice, without distinction between law and equity," have had the same under consideration, and have directed me report same back to the Senate and recommend its passage.

On motion by Mr. Conner,  
The bill was recommitted to the committee on the judiciary.

On motion by Mr. Bennett,  
The vote concurring in the report of the committee on the judiciary on Senate bill No. 63,  
Was reconsidered, and the report laid on the table.

#### RESOLUTIONS.

Mr. Weir offered the following resolution :

*Resolved*, That the committee on the judiciary be requested to examine and report to the Senate whether there is any law now in force in this State providing for the punishment of embezzlement, and that they be instructed to report a bill providing for the punishment thereof, in the absence of any law now in force.

Which was not agreed to.

On motion by Mr. Hendry,

*Resolved*, That the Auditor of State be requested to report to this Senate whether further legislation is necessary to compel the free banks to reimburse to the State the moneys expended for them under the general banking law of 1855. Also, whether anything has been charged or collected against said banks for the year 1858, as provided for under the 14th section of the act of 1855 to amend an act to authorize the business of general banking.

On motion by Mr. Conner,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for the payment of costs to justices of the peace and constables in criminal cases, and witness fees to witnesses in criminal cases before justices of the peace, and in the circuit court and court of common pleas in all cases not now provided for by law, and that said committee report by bill or otherwise.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Wagner introduced

Senate bill No. 74. A bill for the better protection of religious

meetings, agricultural fairs, and other lawful assemblages of the people.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Hargrove introduced

Senate bill No. 75. A bill to amend section 63 of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Cooper introduced

Senate bill No. 76. A bill to prohibit clerks of the circuit and courts of common pleas, and their deputies, from practicing as attorneys at law in the courts of which they are clerks or deputies, and also to prohibit county treasurers from practicing law in the courts of this State.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Bobbs introduced

Senate bill No. 77. A bill to create a superintendent and four commissioners of the sinking fund, and to define their duties in connection therewith.

Which was read a first time and passed to a second reading on to-morrow.

#### ORDERS OF THE DAY.

The Senate resumed the consideration of the report of the committee on federal relations on Senate bill No. 28, and the motions concerning the same, pending at adjournment on Saturday.

The call of the Senate was suspended.

Mr. Blair moved to lay the motion of Mr. Williams' to recommit the bill with instructions, on the table.

On motion by Mr. Odell,

The further consideration of the report and pending motions was postponed until to-morrow at 2 o'clock, P. M.

## SENATE BILLS ON THEIR SECOND READING.

Senate bill No. 66. A bill requiring parties in civil suits to advance the fees of sheriffs in the cases therein specified;

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 68. A bill to amend the 28th, 32d, and 51st sections of an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the conditions of said grant," approved May 29th, 1852;

Was read a second time, and

Referred to the committee on swamp lands.

Senate bill No. 69. A bill to prevent the circulation of foreign bank bills or notes;

Was read a second time, and

Referred to the committee on banks.

Senate bill No. 70. A bill supplemental to an act entitled "an act to provide for the protection of wild game, defining the time when the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26th, 1857;

Was read a second time; and

Referred to the committee on agriculture.

Senate bill No. 71. A bill to amend the 6th section of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21st, 1852, so as to exempt certain property therein named from taxation;

Was read a second time, and

On motion,

Referred to the committee on education.

Senate bill No. 72. A bill to amend section 1 and repeal section 7 of "an act concerning interest on money," approved May 27th, 1852;

Was read a second time, and

On motion,

Referred to the committee on finance.

Senate bill No. 73. A bill to amend the 51st section of an act

entitled "an act defining felonies and prescribing punishment therefor," approved June 11th, 1852;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

#### SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 6. A bill to cure defects in the execution of deeds, or in the certificates of acknowledgments of conveyances of real estate, or any interest therein in the cases therein named, and doing away with a seal or ink scroll in the cases therein named, and to repeal conflicting laws;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conner, Cooper, Cravens, Craven, Culver, Green, Hargrove, Hendry, Hill, Jennings, Johnston, Kinley, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner and Williams—38.

*Those who voted in the negative were,*

Messrs. Cobb, Gooding, Line, Weir and Wilson—5.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Jennings,  
The Senate adjourned.

TUESDAY MORNING, 9 o'clock, }  
December 7, 1858. }

The Senate met.

The Journal of yesterday was read.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Hendry, chairman of the committee on elections, made the following report :

MR. PRESIDENT :

The committee on elections to whom was referred Senate bill No. 13, "an act to amend section 26, of chapter 31, volume 1st, Revised Statutes," have had the same under consideration, and directed me to report the same back and recommend its indefinite postponement.

Which report was concurred in.

Mr. Green, chairman of the committee on swamp lands, made the following report :

MR. PRESIDENT :

The committee on swamp lands, to whom was referred Senate bill No. 68, "a bill to amend the 28th, 32d and 51st sections of an act entitled 'an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant,' approved May 29, 1852," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in, and the bill ordered to engrossed and read a third time to-morrow.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Beeson, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 19, "a bill to amend the 12th section of an act entitled 'an act to authorize the construction of levees and drains,' approved June 12th



1852," have had the same under consideration, and direct me to report the same back to the Senate and recommend its passage.

On motion by Mr. Studabaker,  
The bill was recommitted to the committee on agriculture.

#### RESOLUTIONS.

Mr. Heffren offered the following preamble and resolution:

WHEREAS, The House of Representatives has, by a vote of ayes and noes, declared it inexpedient to levy a tax for year 1858; AND WHEREAS, there is a deficit in the treasury of about a half of million of dollars, and that it will require about as much more to meet the expenses of the State government for the coming year; AND WHEREAS, we are adverse to increasing the expenses of the State, as well as opposed to the increased rates of taxation, therefore,

*Resolved*, That the Senate will, the House concurring, adjourn *sine die* on Saturday next at 10 o'clock, A. M.

The ayes and noes being demanded by Senators March and Johnston.

*Those who voted in the affirmative were,*

Messrs. Cobb, Hargrove, Heffren, Johnston, Lomax, McClure, McLean, Miller, Slack, Stevens, Studabaker, Williams and Wilson—13.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, Line, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Tarkington, Thompson, Turner and Wagner—32.

So the resolution was not agreed to.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Anthony introduced

Senate bill No. 78. A bill to amend the 196th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the ad-

ministration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18th, 1852.

Which was read a first time.

Mr. Anthony moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Weir, Williams and Wilson—43.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Anthony,  
The bill was referred to the committee on the judiciary.

On motion by Mr. Slack,  
The order of business was suspended, and  
The following message from the House was taken up :

A message from the House, by Mr. French, an Assistant Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

House bill No. 23. A bill to repeal an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1852.

In which the concurrence of the Senate is respectfully requested.

House bill No. 23, contained in the foregoing message,  
Was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Heffren introduced

Senate bill No. 79. A bill declaring the taking of unlawful interest a misdemeanor, and prescribing punishment therefor, and repealing all laws in conflict therewith.

Which was read a first time.

Mr. Weir moved to suspend the rules, and read the bill now a second time by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Green, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Odell, Shoemaker, Slack, Steele, Stevens, Studabaker, Turner, Weir, Williams and Wilson—35.

*Those who voted in the negative were,*

Messrs. Blair, Culver, Gooding, Hargrove, Johnston, Robinson and Thompson—7.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Weir,  
The bill was referred to the committee on finance.

By unanimous consent,  
Mr. Studabaker introduced

Senate bill No. 80. A bill supplemental to an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. McLean introduced

Senate bill No. 81. A bill to amend the 2d section of an act entitled "an act to provide for the election of a Reporter, and a

speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter," approved February 5th, 1852.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Conner introduced

Senate bill No. 82. A bill to amend section 1st of "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State," approved March 1, 1853.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Hargrove introduced

Senate bill No. 83. A bill fixing the compensation of executors and administrators, and to repeal section 148, of chapter 10, in volume 2d, Revised Statutes 1852.

Which was read a first time, and passed to a second reading on to-morrow.

#### ORDERS OF THE DAY.

##### *Senate Bills on their Third Reading.*

Senate bill No. 5. A bill to provide for collection of taxes upon land belonging to railroad and other incorporated companies, and to repeal all laws inconsistent therewith;

Was read a third time, and

On motion by Mr. Murray,

Laid on the table.

Senate bill No. 20. A bill to authorize the incorporation of associations formed for building towns within this State;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens,

Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—45.

Mr. Culver voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Senate bill No. 59. A bill to amend the 3d section of an act entitled "an act regulating the licensing of pilots at the falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses," approved June 15, 1852;

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Culver, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—44.

Mr. Craven voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 74. A bill for the better protection of religious meetings, agricultural fairs, and other lawful assemblages of the people ;

Was read a second time ; and

On motion,

Referred to the committee on agriculture.

Senate bill No. 75. A bill to amend section 63 of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852 ;

Was read a second time ; and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 76. A bill to prohibit clerks of the circuit and courts of common pleas, and their deputies, from practicing as attorneys at law in the courts of which they are clerks or deputies, and also to prohibit county treasurers from practicing law in the courts of this State ;

Was read a second time ; and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 77. A bill to create a superintendent and four commissioners of the Sinking Fund, and to define their duties in connection therewith ;

Was read a second time ; and

On motion,

Referred to the committee on education.

On motion by Mr. Murray,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

#### SPECIAL ORDER.

The hour having arrived, the Senate proceeded to the consideration of the following resolution of Mr. Murray, made the special order for to-day at 2 o'clock, P. M.

*Resolved*, That the committee on the judiciary be instructed to report a bill providing for the abolition of the court of common pleas, transferring the business thereof to the circuit court, increasing the circuits to not less than thirty, and providing for the holding of three terms per year.

On motion by Mr. McLean,

The further consideration of the resolution was postponed till, and made the special order for Tuesday, the 14th inst., at 2 o'clock, P. M.

The Senate then proceeded to the consideration of the report of the committee on federal relations on Senate Bill No. 28, and the pending motions touching the same, made the special order for to-day at 2 o'clock, P. M.

On motion by Mr. Slack,  
A call of the Senate was ordered.

The Secretary proceeded with the call,  
Whereupon.

The following Senators answered to their names:

Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir and Williams—47.

On motion by Mr. Turner,  
The further call of the Senate was suspended.

The question being, shall the motion of Mr. Williams to recommit the bill with instructions be laid on the table?

The ayes and noes being demanded by Senators Slack and Bennet,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Fisk, Green, Hendry, Hill, Jones, Kinley, March, Murray, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—27.

*Those who voted in the negative were,*

Messrs. Carnahan, Conley, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, and Williams—20.

So the motion was laid on the table.

On motion by Mr. Carnahan,

The Senate resolved itself into a committee of the whole Senate, Mr. McLean in the chair, for the purpose of considering the bill, the report of the committee on the same, and the pending amend-

ments, and after spending some time in the consideration thereof, the committee rose, and through their Chairman, made the following report:

MR. PRESIDENT :

The committee of the whole Senate, to whom was referred Senate Bill No. 28, "A bill to provide for the election of United States Senators," and the amendments recommended by the report of the committee on federal relations to said bill, have had the same under consideration, and directed me to report progress, and ask leave to sit again.

Which report was concurred in.

On motion by Mr. Line,  
The Senate adjourned.

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WEDNESDAY MORNING 9 O'CLOCK, }  
December 8, 1858. }

The Senate met.

The Journal of yesterday was read.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Lomax from the committee on agriculture, made the following report :

MR. PRESIDENT :

The committee on agriculture to whom was referred Senate bill No. 60, A bill to amend an act entitled "an act authorizing county agricultural societies to purchase and hold real estate," approved February 7, 1855, have had the same under consideration, and direct me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed, and read a third time on to-morrow.



Mr. Beeson, chairman of the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred the following resolution—

*Resolved*, That the committee on agriculture be instructed to inquire into the expediency of enacting some law for the better protection of fencing and timber against hunting parties, and report by bill or otherwise.

Have had the same under consideration, and have directed me to report the same back without any legislation on the subject, the committee believing that the statutory provisions for trespass and damage will afford as full protection as can be given by any other law on the subject.

Which report was concurred in.

#### RESOLUTIONS.

Mr. Murray offered the following resolution:

*Resolved*, That the resolution of the Senate adopted on Monday, the 29th ult., providing for taking two hundred copies of the Legislative Sentinel, be, and the same is hereby rescinded.

Mr. Slack moved to lay the resolution on the table.  
Which was not agreed to.

On motion by Mr. Murray,  
The further consideration of the resolution was postponed until Wednesday next, at 2 o'clock, P. M.

On motion by Mr. Slack,

*Resolved*, That the committee on the judiciary inquire what legislation is necessary, if any, to perfect the law in reference to the conviction of felons where more than one conviction has been had against the same individual at one term of court, and report by bill or otherwise.

Mr. Odell offered the following:

*Resolved*, That all engrossed bills before they are put upon their final passage, shall be first printed, and two copies thereof placed upon the desk of each Senator.

Which was not agreed to.

On motion by Mr. Studabaker,

*Resolved*, That the committee on rights and privileges be instructed to inquire into the expediency of fixing by law the amount of toll that steam or grist mills shall be allowed to demand and receive for grinding grain.

On motion by Mr. Johnston,

*Resolved*, That the committee on finance be instructed to inquire if there is any law now in force authorizing the treasurers of the several counties in this State to assess for taxation the property of persons which has been omitted in the assessor's lists, and report by bill or otherwise.

Mr. Line offered the following resolution :

*Resolved*, That when the special session of this Senate shall adjourn, it will adjourn to meet on the day provided in the constitution of the State, and that when this Senate shall be so assembled it will take up the business in the order in which it was left when the special session adjourned, and that they will continue the organization which was made at the commencement of the special session.

Which,

On motion by Mr. Gooding,  
Was referred to the committee on the judiciary.

By unanimous consent,  
The order of business was suspended, and  
On motion by Mr. Murray,

The vote by which Senate bill No. 5. A bill for the collection of taxes upon land belonging to railroad and other incorporated companies, and to repeal all laws inconsistent therewith, was ordered to be engrossed,

Was reconsidered; and

On motion by Mr. Miller,  
The bill was referred to the committee on the judiciary.

On motion by Mr. Johnston,

*Resolved*, That the committee on the judiciary be instructed to inquire into the constitutionality of the present law levying a road tax, and report to the Senate the result of such inquiry.

On motion by Mr. Kinley,

*Resolved*, That the committee on agriculture be instructed to re-

port a bill providing for placing one copy of the reports of the Indiana State Board of Agriculture in each of the township libraries.

# BILLS INTRODUCED.

By unanimous consent,  
Mr. Slack introduced

Senate bill No. 84. A bill to repeal the 51st section of "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Wagner,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

By unanimous consent,  
The order of business was suspended, and  
Mr. Heffren, from the committee on banks, made the following report:

MR. PRESIDENT:

The committee on banks to whom was referred Senate bill No. 12, "a bill to prohibit unsafe paper currency and to punish the making and circulating thereof," have had the same under consideration, and direct me to report it back and recommend that it lie on the table, and that the following bill be substituted therefor:

Senate bill No. 85. A bill to prohibit the issue of unauthorized paper currency, and uncurrent and broken bank bills, and prescribing the punishment therefor.

Which report was laid on the table.

S. J.—11.

By unanimous consent,  
Mr. Beeson, chairman of the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 34, "a bill to prescribe the duties of assessors, so as to provide for making their lists of farm products, domestic animals, and other property every four years, and in regard to the duties of county auditors and Auditor of State in connection therewith, and to repeal all laws conflicting therewith," have had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

Which report was concurred in.

On motion by Mr. Murray,  
The bill was considered as engrossed, and  
Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Weir, Williams and Wilson—17.

Messrs. Gooding and Wagner voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

By unanimous consent,  
The order of business was suspended, and  
Mr. March, from a select committee, made the following report:

MR. PRESIDENT:

The special committee to whom was referred Senate Bill No. 4, "a bill to amend sections 6, 7, 10, 11, 12 and 15, of an act regulating the granting of divorces, nullification of marriages, and decrees and orders incident thereto," and Senate Bill No. 39, "a bill to amend the 6th 7th, 19th and 20th sections of an act entitled "an act regulating the granting of divorces, nullification of marriages, and de-

crees and orders of court incident thereto," approved May, 1852; have had the same under consideration, and beg leave to report that they have fully examined said bills, and return the same herewith, recommending the passage of said bill No. 4, with the following alterations and amendments thereto, adopted from Senate bill No. 39 aforesaid, and upon the adoption of said amendments, that said bill No. 39 be laid upon the table:

*First.* In obedience to the instructions of the Senate, strike out section six as amended in bill No. 4, the word "two" and insert "one."

*Second.* Strike out the eighth clause for divorce as it is amended in section 7, of bill No. 4, and in its stead insert the seventh clause as it appears in the original act.

*Third.* Alter section 6, of bill No. 4, so as to read: "Divorces may be decreed by the circuit courts of this State on petition filed by any person at the time a *bona fide* resident of the county in which the same is filed, and who has been a resident of the State of Indiana for one year, and of such county for six months immediately preceding the filing of such petition."

*Fourth.* Strike out all that part of section 10, in bill No. 4, which relates to the mode of proving of service of summons, and insert the following: "Which service of the summons may be proved to the court by the affidavit of a disinterested person that it has been actually had upon the party in person."

*Fifth.* Strike out that part of the same section 10 which requires the clerk of the court to require the petitioner to file an affidavit with the petition, and make it read as follows: "And in all cases the petitioners shall file his or her affidavit at the same time with the petition, stating, &c."

*Sixth.* In same section 10, strike out "ninety" (days) and insert "fifty-one."

*Seventh.* From section 12 of same bill, No. 4, strike out "fifty" and insert "thirty."

*Eighth.* In section 15 make that part relating to the service of notice to take depositions read as follows: "But notice of the taking of depositions shall be personally served on the defendant, or his or her attorney, in all cases when the place of residence of such defendant is known."

*Ninth.* Add sections 3 and 4 of bill No. 39 to bill No. 4.

*Tenth.* In section 11 strike out "six" and insert "three" weeks.

Mr. Studabaker moved to concur in the report of the committee with following additional amendment:

Amend the third specification of section 7 so as to read as follows: "*Third.* Abandonment for one year."

Mr. Gooding called for a division of the question.

The question being, shall the amendment be adopted?

It was agreed to.

The question recurred, shall the report of the committee be concurred in?

It was agreed to.

Mr. Weir moved to recommit the bill to the committee on the judiciary with instruction to inquire into the constitutional power of the Legislature to require one year's residence to entitle persons to sue in this particular class of cases.

Which was not agreed to.

On motion by Mr. Murray,  
The bill was considered as engrossed, and  
Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—47.

Messrs. Johnston and Weir voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

The order of business was suspended, and

On motion by Mr. Heffren,

The report from the committee on banks in reference to Senate bill No. 12,

Was taken from the table.

Mr. Green moved to concur in the report of the committee with an amendment striking out the emergency clause from said bill No. 85, reported by them.

Mr. Gooding called for a division of the question.

The question being, shall the amendment be adopted?  
It was not agreed to.

The question being, shall the report be concurred in?  
It was agreed to.

Senate bill No. 85. A bill to prohibit the issue of unauthorized paper currency, and broken bank bills, and prescribing the punishment therefor, introduced in said report,

Was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Boobs,

Senate bill No. 25. A bill to provide for the redemption or the purchase of the bank bonds, and Indiana and State stocks, and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith,

Was taken from the files, and

Referred to the committee on education.

On motion by Mr. Cravens,

The order made by the Senate on yesterday authorizing the committee of the whole Senate to sit again on the report of the committee on federal relations, in reference to Senate bill No. 28,

Was reconsidered.

The order of business being suspended,

The report of the committee on federal relations on Senate bill No. 28, and pending motions in relation thereto,

Was taken up.

Mr. March moved to lay the motion of Mr. Hargrove to strike out the emergency clause from the bill, on the table.

The ayes and noes being demanded by Senators Williams and Murray.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Williams and Wilson—23.

So the motion was laid on the table.

Mr. Tarkington moved to postpone the further consideration of the report until to-morrow at 2 o'clock, P. M., and make it the special order for that hour.

The ayes and noes being demanded by Senators March and Cravens.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Williams and Wilson—23.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robiason, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

So the motion to postpone did not prevail.

Mr. Tarkington moved that the Senate now adjourn.

The ayes and noes being demanded by five Senators,

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Williams and Wilson—21.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conley, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Weir—28.

So the motion to adjourn did not prevail.

Mr. Cravens moved the previous question,  
Which was seconded by the Senate.

The question being, shall the main question be now put?  
It was agreed to.

The question being, shall the report of the committee be concurred in?

The ayes and noes being demanded by Senators Slack and Heffren.



*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Williams and Wilson—23.

So the report was concurred in.

Mr. Heffren moved to amend the bill by striking out all that part of section 6 to the word "an," in the 10th line.

Mr. Bennett moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Heffren and Carnahan.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner Wagner and Weir.—26.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Williams and Wilson—23.

So the amendment was laid on the table.

Mr. Williams moved to amend the bill by adding in the proper place, "that after ten votes by separate Houses that the Senate will then go into the Hall of the House of Representatives for the purpose of going into joint *viva voce* vote."

Mr. Blair moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Johnston and Slack.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

*Those who voted in the negative were,*

Messrs. Carnahan, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Williams and Wilson—23.

So the amendment was laid on the table.

Mr. Slack moved that the Senate now adjourn.

The ayes and noes being demanded by five Senators,

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Slack, Tarkington, Weir and Williams—19.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, McLean, March, Murray, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner and Wagner—30.

So the motion to adjourn did not prevail.

Mr. Cravens moved that the bill be considered as engrossed and read a third time now.

Mr. Wagner moved the previous question.  
Which was seconded by the Senate.

The question being, shall the main question be now put?  
It was agreed to.

The question being, shall the bill be considered as engrossed and read a third time now?

The ayes and noes being demanded by Senators Johnston and McClure.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Williams and Wilson—23.

So the motion to consider the bill as engrossed was agreed to; and The bill was read a third time.

Mr. Studabaker moved to recommit the bill with instruction to examine into the constitutionality of that section making it a criminal offense on the part of certain officers to refuse to perform the duties required of them by the bill.

Mr. Bennett moved to lay the motion to recommit with instructions, on the table.

Which was agreed to.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington and Williams—21.

So the bill passed.

Messrs. Gooding and Wilson were present, and refused to vote.

Mr. Heffren moved to amend the title of the bill so as to read as follows :

“An act to provide for the selection of two persons to make a pilgrimage to the City of Washington, for the purpose of showing the folly of the Legislature of the State of Indiana, and exhibiting their own ignorance of law, with the further hope that they can get mileage and *per diem* therefor.”

Mr. Murray moved to reject the amendment.

The ayes and noes being demanded by Senators Slack and Heffren.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hendry, Hill, Jones, Kinley, March, Murray, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Thompson, Turner, Wagner and Weir—32.

*Those who voted in the negative were,*

Messrs. Carnahan, Fisk, Hargrove, Heffren, Jennings, Line, Lomax, McClure, O'Brien, Slack, Studabaker, Tarkington and Williams—13.

Messrs. Johnston, McLean and Wilson refused to vote.

So the amendment was rejected.

*Ordered,* That the Secretary inform the House of the passage of the bill.

On motion by Mr. Murray,  
The Senate adjourned.

THURSDAY MORNING, 9 o'clock, }  
December 9, 1858. }

The Senate met.

The Journal of yesterday was read.

The order of business was suspended, and  
On motion by Mr. Studabaker,

Senate bill No. 44. A bill for the distribution, investment and safe-keeping of the school funds arising from the 114th section of an act establishing a State Bank, approved January 28th, 1834, and for the election of Sinking Fund Commissioners;

Was taken from the table; and

Referred to the committee on education.

On motion by Mr. Heffren,  
The order of business was suspended, and  
The following messages from the House were taken up:

A message from the House, by Mr. French, an Assistant Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 18. An act to amend section 18 of an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 29, 1852.

In which the concurrence of the Senate is respectfully requested.

House bill No. 18, contained in the foregoing message,

Was read a first time, and passed to a second reading on to-morrow.

A message from the House, by Mr. French, an Assistant Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following concurrent resolution thereof:

*Resolved*, That this House will, with the concurrence of the Senate, adjourn without day, on Monday the 13th instant, at 10 o'clock, A. M.; *Provided*, a law in regard to the reappraisement of real estate be first enacted, and that other business as recommended by the Governor shall be acted upon and disposed of.

In which the concurrence of the Senate is respectfully requested.

Which resolution was not concurred in.

A message from the House, by Mr. French, an Assistant Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 19. A bill to secure the service of process in actions against corporations created by the General Assembly of this State, which have no officers or persons doing business in the county where they have been located, and have exercised corporate powers.

In which the concurrence of the Senate is respectfully requested.

House bill No. 19, contained in the foregoing message,

Was read a first time, and passed to a second reading on to-morrow.

#### ORDERS OF THE DAY.

##### *House Bills on their Second Reading.*

House bill No. 23. A bill to repeal an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855;

Was read a second time, and

On motion,

Referred to the committee on temperance.

#### SENATE BILLS ON THEIR SECOND READING.

Senate bill No. 80. A bill supplemental to an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and audi-

tors, and the Treasurer and Auditor of State," approved June 21, 1852;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 81. A bill to amend the 2d section of an act entitled "an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter," approved February 5th, 1852;

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 82. A bill to amend section 1st of "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State," approved March 1, 1853;

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 83. A bill fixing the compensation of executors and administrators, and to repeal section 148, of chapter 10, in volume 2d, Revised Statutes 1852;

Was read a second time, and

On motion,

Referred to the committee on finance.

Senate bill No. 84. A bill to repeal the 51st section of "an act defining misdemeanors. and prescribing punishment therefor," approved June 14th, 1852;

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 85. A bill to prohibit the issue of unauthorized paper currency and broken bank bills, and prescribing punishment therefor;

Was read a second time; and

On motion by Mr. Carnahan,

Laid on the table, and one hundred copies ordered to be printed for the use of the Senate.

The order of business was suspended, and

Mr. Blair, from the committee on banks, made the following report:

MR. PRESIDENT :

The committee on banks to whom was referred Senate bill No. 36, "a bill to prohibit the issue of unauthorized paper currency, and making it a felony for the making and circulating thereof," have had the same under consideration, and have directed me to report the same back and recommend that it be laid on the table, and also to report the following bill in lieu thereof and recommend its passage :

Senate bill No. 86. A bill to enable the holders of unauthorized paper money to collect the amount thereof from any person, company or corporation heretofore or hereafter issuing or aiding the issue or circulation thereof.

Which report was concurred in ; and  
Senate bill No. 86, contained in the foregoing message,  
Was read a first time.

Mr. McLean moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Studabaker, Thompson, Turner, Wagner, Weir, Williams and Wilson—  
45.

No Senator voting in the negative.

Mr. Gooding being in his seat, refused to vote.

So the rules were suspended, and the bill read a second time by its title ; and

On motion by Mr. Murray,  
Referred to the committee on the judiciary.

#### SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 60. A bill to amend an act entitled "an act authorizing county agricultural societies to purchase and hold real estate," approved Feb. 7, 1855;

Was read a third time.

On motion by Mr. Anthony,  
The bill was recommitted to a select committee of three with in-



structions to so amend the bill as to allow county agricultural societies to hold "seventy-five" instead of "forty" acres of land.

The President appointed Senators Anthony, Wagner and Lomax said select committee.

Senate bill No. 68. A bill to amend the 28th, 32d, and 51st sections of an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the conditions of said grant," approved May 29th, 1852;

Was read a third time.

Mr. Studabaker moved to recommit the bill with instructions to so amend the same as to require the commissioners to give bond with security, in the sum of \$1,000.

Which was agreed to.

The order of business was suspended, and

Mr. Anthony, from a select committee, made the following report:

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 60, "a bill to amend an act entitled 'an act authorizing county agricultural societies to purchase and hold real estate,' approved February 7, 1855," with instructions to strike the word "forty" and to insert instead thereof the words "seventy-five," so as to allow county agricultural societies to hold "seventy-five" instead of "forty" acres of land, have had the same under consideration, and direct me to report the same back, amended in conformity with the foregoing instructions, and to recommend its passage.

Which report was concurred in.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Green, Hamilton, Heffren, Hendry, Hill, Johnston, Kinley, Linn, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Studabaker, Thompson, Turner, Wagner, Weir, Williams and Wilson—42.

Messrs. Gooding and Hargrove voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave of absence was granted Mr. Fisk.

On motion by Mr. Heffren,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The President laid before the Senate the following communication from the Superintendent of Public Instruction :

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }  
Indianapolis, December 6, 1858. }

HON. A. A. HAMMOND,

*President of the Senate :*

DEAR SIR:—In reply to the resolution of the Senate of November 30, calling for information respecting the furnishing a township library to the State Prison, I have the honor to say that before the passage of the act to which reference is made in the resolution of the Senate, all the township libraries had been distributed according to the school law, and the Superintendent of Public Instruction had not in his control the means of furnishing the extra library required by the State Prison act.

Respectfully,

W. C. LARRABEE.

Which was referred to the committee on State prison.

The President laid before the Senate the following communication from the Treasurer of State :

OFFICE OF TREASURER OF STATE, }  
Indianapolis, Dec. 8, 1858. }

HON. A. A. HAMMOND,

*President of the Senate :*

In reply to your resolution in regard to swamp land fund of Lake

county, I have the honor to state that the balance due this day from the treasurer of Lake county, on account of swamp lands, is eighteen thousand six hundred and seventy-six dollars and thirty-eight cents, \$18,676 38.

Respectfully, your o'bt servant,  
 AQUILLA JONES,  
*Treasurer of State.*

Which was referred to the committee on swamp lands.

Leave of absence granted to the committee on State Prison from to-morrow morning until Monday at 2 o'clock, P. M., to enable them to visit the Penitentiary.

Mr. Murray offered the following preamble and resolution :

WHEREAS, The Governor in his message has recommended an extension of the present or the erection of a new State Prison to accommodate the large number of prisoners now in confinement; AND WHEREAS, It is important that the committee on State Prison should visit and inspect the State Prison, therefore,

*Resolved*, That when the Senate adjourns to-morrow morning, it stand adjourned until Monday next at 2 o'clock, P. M., to enable the committee to visit the Prison.

The ayes and noes being demanded by Senators Carnahan and Heffren.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Cooper, Cravens, Craven, Culver, Green, Jennings, Johnston, Kinley, Line, McLean, Miller, Murray, Odell, Rice, Robinson, Steele, Stevens, Thompson, Turner and Weir—24.

*Those who voted in the negative were,*

Messrs. Blair, Carnahan, Conner, Hamilton, Hargrove, Heffren, Jones, Lomax, McClure, March, O'Brien, Shoemaker, Studabaker, Wagner and Williams—15.

So the resolution was adopted.

On motion by Mr. Turner,

*Resolved*, That the committee on State Prison be instructed to inquire into the expediency of abolishing the office of Director of State Prison, and report by bill or otherwise.

S. J.—12.

On motion by Mr. Bobbs,

*Resolved*, That the committee on county and township business be requested to inquire whether there is any law now force for the collection of road taxes, and if not, whether any legislation on the subject is expedient, with leave to report by bill or otherwise.

On motion by Mr. Weir,

*Resolved*, That the Doorkeeper be instructed to furnish each member and officer of the Senate with three dollars worth of postage stamps, for the use of Senators and officers in distributing public documents.

On motion by Mr. Beeson,

*Resolved*, That the committee on banks be requested to inquire into the expediency of passing a law to extend the time for final settlement and closing up the old State Bank for one year from and after the 1st day of January, 1859, and to secure the redemption of outstanding notes, and the payment of the stock of said banks to parties legally entitled to the same, and report by bill or otherwise.

Mr. Wagner, from the committee on agriculture, made the following report :

MR. PRESIDENT :

The committee on agriculture, to whom was referred Senate bill No. 74, "a bill for the better protection of agricultural fairs, and other lawful assemblages of the people," have had the same under consideration, and directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

By unanimous consent,  
Mr. Heffren introduced

Senate bill No. 87. A bill to enforce the 13th article of the constitution, and to prevent negroes or mulattoes, or persons having one-eighth or more negro blood from coming in this State, or settling herein, and providing penalties therefor.

Which was read a first time.

Mr. Weir moved to suspend the rules and read the bill a second now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Bennett, Brown, Carnahan, Cobb, Heffren, Jennings, Jones, Line, Lomax, McClure, McLean, O'Brien, Rice, Slack, Tarkington, Weir and Williams—19.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Conley, Conner, Cooper, Cravens, Craven, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Kinley, March, Miller, Murray, Odell, Robinson, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wagner and Wilson—29.

So the rules were not suspended.

By unanimous consent,  
Mr. Wagner introduced

Senate bill No. 88. A bill to regulate the practice in the Supreme Court of the State of Indiana.

Which was read a first time and passed to a second reading on tomorrow.

Mr. Green offered the following preamble and resolution :

WHEREAS, The constitution of the State of Indiana declares that each House of the General Assembly, when assembled, shall judge the elections, qualifications and returns of its own members ;

AND WHEREAS, At the general election in the year 1856 for a Senator in the district composed of the counties of Fulton, Marshal, St. Joseph and Starke, Hugh Miller, Esq., received the certificate of election, and upon said *prima facie* evidence admitted to a seat upon the floor of the Senate at the organization of the session then next after said election, to-wit: on the 8th day of January, 1857 ; and thereupon Kline G. Shryock, Esq., then and there contested the seat of the said Hugh Miller, Esq., in due form, which was referred to the committee on elections, where a full, fair and impartial investigation of the whole matter relative to the rights of the parties claiming the seat was had, and on the 30th day of January, 1857, during the session, did make their report concentrating the result of their deliberations and investigation in a resolution hereinafter set out ;

AND FURTHER WHEREAS, Many efforts were made during the last session to bring a direct vote of the Senate upon this constitutional question, to judge the election, qualification and return of the member from the district aforesaid, but failed so to do, thereby this matter was continued and passed over to this session and yet remains unsettled as required by the constitution ; and it being

high time the people of the district should know who the representative of their wishes upon the floor of the Senate is, as well as a sense of duty we owe to ourselves to know whom is entitled to seats as Senators ; therefore, be it

*Resolved*, That the Senate proceed to take the vote upon the original resolution reported by the committee on elections as found in the Senate Journal of the last session, page 217, which reads as follows :

*Resolved*, That Hugh Miller, Esq., is not entitled to the seat which he now occupies on this floor, and that Kline G. Shryock, Esq., having been duly elected Senator by a majority of the legal voters of the district composed of the counties of Starke, Marshall, Fulton and St. Joseph, is entitled to that seat.

On motion by Mr. Tarkington,

The further consideration of the preamble and resolutions was postponed until Wednesday next at 2 o'clock, P. M., and made the special order for that hour.

Mr. Anthony, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 27, "a bill regulating the jurisdiction and duties of justices of the peace in cases of attachment," have had the same under consideration, and direct me to report the same back to the Senate, without amendment, and to recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Carnahan,  
The Senate adjourned.

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FRIDAY MORNING, 9 o'clock, }  
December 10, 1858. }

The Senate met.

The Journal of yesterday was read.

## REPORTS FROM STANDING COMMITTEES.

Mr. Steele, from the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance, to whom was referred a resolution of the Senate inquiring if there was any law authorizing county treasurers to assess property omitted in the assessors lists, have had the same under consideration, and have instructed me to report that they find no law authorizing county treasurers to make such assessment, but that they deem the law governing county auditors in such cases to be sufficient.

Which report was concurred in.

Mr. March, from the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance, to whom was referred the reply of the Attorney General in answer to a resolution of the Senate, inquiring for information in reference to the claim of the State against one Allen May and others, have had the same under consideration, and have instructed me to report the following joint resolution and recommend its passage.

Which report was concurred in.

Senate Joint Resolution No. 4. A joint resolution directing the Attorney General to collect immediately certain claims against Allen May, Michael G. Bright, and James P. Drake, contained the foregoing report,

Was read a first time and passed to a second reading on to-morrow.

Mr. Craven, from the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance, to whom was referred Senate bill No. 83, "a bill fixing the compensation of executors and administrators, and to repeal section 148, of chapter 10, in volume 2, Revised Statutes 1852," have had the same under consideration, and have instructed me to report the same back, and to recommend its indefinite postponement.

Which report was laid on the table.

Mr. Bennett, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 81, "a bill to amend the 2d section of an act entitled 'an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter,' approved February 5th, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate, and to recommend its indefinite postponement.

Which report was concurred in.

Mr. Conner, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 82, "a bill to amend section 1st of an act to provide compensation to the owners of animals killed or injured by cars, locomotives or carriages of any railroad company in this State," approved March 1st, 1853, have had the same under consideration, and have directed me report the accompanying amendments thereto, and when so amended, they recommend its passage.

Amend the bill by adding :

Sec. —. When such complaint shall be filed in the circuit court or court of common pleas, the clerk of said court shall issue a summons thereon as in other cases, which summons shall be served by the sheriff on the railroad company defendant at least ten days before the first day of the term at which said cause is to be heard, and said summons may be served by copy on any conductor of any train passing through said county.

The report was laid on the table.

Leave of absence was granted Mr. Robinson.

Mr. Murray, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 78, "an act to amend the 196th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of jus-



“justice in a uniform mode of pleading and practice, without distinction between law and equity,” approved June 18th, 1852,” have had the same under consideration, and have directed me to report the same back to the Senate recommending its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. March, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 75, “a bill to amend section 63 of an act entitled ‘an act defining misdemeanors and prescribing punishment therefor,’ approved June 14th, 1852,” have had the same under consideration, and directed me to report the same back to the Senate, without amendment, and to recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Slack, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 84, “a bill to repeal the 51st section of ‘an act defining misdemeanors, and prescribing punishment therefor,’ approved June 14th, 1852,” have had the same under consideration, and a majority of the committee have directed me to report the same back to the Senate recommending its indefinite postponement.

Which report was laid on the table.

Mr. Wagner, chairman of the committee on education, made the following report :

MR. PRESIDENT :

The committee on education, to whom was referred Senate bill No. 71, “a bill to amend the 6th section of ‘an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State,’ approved June 21st, 1852, so as to exempt certain property therein named from taxation,” have had the same under consideration, and after amending the bill by adding the following section thereto, recommend its passage :

SEC. 9. All lands, buildings, tools, machinery, and other property owned and used by agricultural societies or associations.

Which report was concurred in, and the bill ordered to be engrossed.

Leave of absence was granted Mr. Studadaker.

Mr. March, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 80, "an act supplemental to an act entitled 'an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,' approved June 21, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate, and to recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Murray,  
The Senate adjourned.

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MONDAY, 2 o'clock, P. M. }  
December 13, 1858. }

The Senate met.

The Journal of Friday was read.

The President laid before the Senate the following communication from the Auditor of State :

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, Dec. 10, 1858. }

HON. A. A. HAMMOND,

*President of the Senate:*

In answer to the resolution of the Senate requesting the Auditor of State to report whether additional legislation is necessary to compel the free banks to reimburse to the State the money expended for them under the general banking law of 1855, also, whether anything has been charged or collected against said banks for the year 1858, as provided in section 14 of that law, I have the honor to state, that the account against the free banks for all sums paid out of the treasury under the provision of the general banking law, from the commencement of my term of office to the 31st of October, 1858, have been forwarded to the banks for collection, all of which will be realized and paid into the treasury by the first of January next. No further legislation therefore is necessary to enable the Auditor of State to collect from the banks any expenses incurred during the current term.

There was paid out, on account of free banking, during the term of my predecessor, the late Auditor of State, the sum of \$4,827 00, for which the books show no collections to have been made nor payments into the treasury. The law was passed in March, 1855, and provides that the banks shall have till March, 1857, to decide whether they will accept its provisions or wind up. As but few of the banks made the full compliance with the law contemplated in section 42 until after the commencement of my term of office, (January, 1857,) they held that I had no right or authority to assess them for expenses accruing under a former administration, and prior to their acceptance of and compliance with the provisions of the law. The amount expended by my predecessor therefor, stated above, remains unpaid.

Of the amount expended on account of free banking for 1858 as shown on page 9 of my report, the sum of \$3,976 89 was paid on a preemptory mandamus issued by the judge of the Marion circuit court for services rendered under the law of 1852, for banks which have been wound up, leaving no assets except such as are applicable only the redemption of their notes.

Respectfully,

JOHN W. DODD,  
*Auditor of State.*

Which was referred to the committee on banks.

The order of business was suspended, and

On motion by Mr. Wallace,

*Resolved*, That a committee of three be appointed to overhaul the heating arrangement of the Senate Chamber, and report whether the same can be improved.

The President appointed Senators Wallace, Fisk and Bobbs said committee.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Steele presented a petition from a number of the citizens of the county of Parke, on the subject of temperance.

Which,

On motion,

Was referred to the committee on temperance.

Mr. McLean, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate directing said committee to inquire into the expediency of passing a law requiring county clerks to pay over all moneys in their hands to their successors in office, &c., have had the same under consideration, and have instructed me to report the following bill and recommend its passage:

Senate bill No. 89. An act to amend an act entitled "an act providing for the election of clerks of the circuit courts, and prescribing some of their duties."

Which report was concurred in; and

Senate bill No. 89, contained in the foregoing message,

Was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Hill,

*Resolved*, That the committee on benevolent institutions be instructed to inquire into the expediency of providing a house of refuge for the correction and reformation of juvenile offenders, and report by bill or otherwise.

Mr. Tarkington offered the following resolution:

*Resolved*, That the Senate will, the House concurring, adjourn *sine die* on Wednesday, 22d inst.

The ayes and noes being demanded by Senators Wallace and Heffren.

*Those who voted in the affirmative were,*

Messrs. Bennett, Carnahan, Cobb, Conley, Fisk, Hamilton, Har-

grove, Heffren, Jennings, Line, Lomax, McClure, McLean, O'Brien, Shoemaker, Slack, Stevens, Tarkington, Wallace, Weir and Wilson—21.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Steele, Thompson, Turner and Wagner—21.

The President voted in the affirmative.

So the resolution was adopted.

On motion by Mr. Line,

*Resolved*, That the committee on agriculture be instructed to inquire whether there can be any encouragement held out to the people of Indiana to engage in the raising of sheep, and provide for the protection of the same, and that they report by bill or otherwise.

On motion by Mr. Hendry,

*Resolved*, That the committee on education be instructed to inquire into and report to this Senate at as early a day as practicable, whether the duties now required by law of the Superintendent of Public Instruction cannot be dispensed with without impairing the efficiency of our common school system; also, the annual expense of supporting that office to the State, including salary, clerk hire, books, stationery, printing, and all other expenditures connected therewith.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Slack introduced

Senate Bill No. 90. A bill to amend section two of an act entitled "an act to change the time of holding courts in the eleventh judicial circuit," approved February 17, 1857.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Wallace introduced

Senate Bill No. 91. A bill regulating the choosing of United States Senators by the General Assembly, specifying the time, place

and mode of such choosing, and providing for the designation of such Senators by the voters of this State.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Cravens introduced

Senate Bill No. 92. A bill to change the time for the election of members of Congress, and to provide for their election.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Tarkington introduced

Senate Bill No. 93. A bill to amend section five of "an act prescribing the manner of empanneling petit jurors, the number and compensation thereof," approved May 20, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Lomax introduced

Senate Bill No. 94. A bill to amend the 22d and 65th sections of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, so as to enable assessors to perform their several duties without the aid of blanks.

Which was read a first time and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Jones introduced

Senate Bill No. 95. A bill to provide compensation to persons who may bring to justice fugitives from the same.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Heffren introduced

Senate Bill No. 96. A bill to prevent the destruction of sheep and other stock by dogs.

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Tarkington,  
The order of business was suspended, and  
The following messages from the House were taken up :

A message from the House by Mr. Ryan, its Principal Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed Senate Bill No. 3, "a bill to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto," with the following engrossed amendments of the House, in which the concurrence of the Senate is respectfully requested.

Amend the first section by striking out the proviso, and insert—  
"Said appraiser and such as shall be elected under the provisions of this act, shall have power to appoint deputies, who shall take the same oath required of their principal, to be endorsed on the certificate of appointment."

Amend section 3 as follows :

Insert the words "or elected" after the word "appointed" in the second line.

Amend section 4 as follows ;

Insert after the word "appointed" in the first line, the words, "or elected."

Amend section 5 by striking out the proviso in said section, commencing in line 11 and ending with line 12.

Also, amend section 6, by inserting after the word "situation," in the 31st line, the following words :

"The said appraiser shall also, on actual view, make a true valuation of all lands used or held by railroad companies, for road bed, depot or station grounds, gravel pits, switches and side tracks, and all railroad tracks, depot buildings and other superstructures thereon, according to the same rule herein prescribed for ascertaining the value of other real property, and he shall in the same manner make a true valuation of all McAdamized roads, plank roads, turnpike roads and canals, and also all toll bridges belonging to private persons or private corporations."

Add to the 9th section as follows :

"*Provided*, That there shall be deducted from the lands owned by any person as shown by such deed or survey, the amount of the same occupied by any railroad, canal or public highway."

Amendment to section 13:

Sec. 13 be amended so as to read: "Each appraiser shall, on or before the fourth Monday of May next after his appointment or election, make out and deliver to the auditor of his county a return by civil townships in tabular form and alphabetical order, contained in a book to be furnished him by such auditor, of the amount, description and value of all the real estate subject to be listed for taxation in his county," &c.

Amend section 14 as follows:

Strike out the word "taxes," the last word but one in said section, and insert the word "appraisement."

Amend by striking out "fifty" in the 2d line of section 19, and insert "twenty-five."

Add to section 24 the following:

"And especially sections thirty-two, thirty-three, thirty-four and thirty-five of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, be, and the same are hereby repealed."

The Senate concurred in the engrossed amendments of the House to sections 3, 4, 6, 9, 13, 14 and 19; and

Refused to concur in the amendments of the House to sections 1, 5 and 24.

A message from the House, by Mr. Ryan, Principal Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 40. A bill to relieve Nathan Rowley, of Vanderburgh county, from the consequences of certain legal proceedings had and judgment rendered in the Vanderburgh circuit court at the September term of said court in the year 1847, in an action wherein the State of Indiana on the relation B. Mills, school commissioner, was plaintiff, and the said Nathan Rowley, former school commissioner, and others his sureties, were defendants. Also,

House bill No. 39. A bill to regulate the collection of judgments and the sale of property on execution against any sheriff, constable, or other public officer, administrator, guardian, executor, or any other person or corporation receiving or holding money in a fiduciary capacity, or the sureties of any or either of them. Also,



House bill No. 43. A bill to authorize churches to form a union, assume a new name, appoint trustees, and enable them to receive conveyance of lands and donations of personal property. Also,

House bill No. 38. A bill legalizing the acknowledgment of deeds, mortgages, and other instruments required to be recorded, taken and certified by the clerk of the circuit and common pleas courts of this State, after the reception of the Revised Statutes of 1852 in their respective counties.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 40, 43, 39 and 38, contained in the foregoing message,

Were read a first time, and passed to a second reading on to-morrow.

Mr. Weir moved to suspend the rules and read House bill No. 40 aforesaid, a second time now by its title.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Cravens, Green, Hamilton, Heffren, Hendry, Line, McClure, McLean, March, Rice, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Weir and Wilson—19.

*Those who voted in the negative were,*

Messrs. Anthony, Becson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Fisk, Hargrove, Hill, Jennings, Jones, Kinley, Lomax, Murray, O'Brien, and Williams—22.

So the rules were not suspended.

A message from the House, by Mr. Ryan, Principal Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, viz:

No. 31. A bill to fix the time of holding the courts of common pleas in the county of Bartholomew.

A message from the House, by Mr. Ryan, Principal Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

House bill No. 5. A bill to amend the 6th section, and to repeal the seventh clause of the 7th section of an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto, approved May 13, 1852.

In which the concurrence of the Senate is respectfully requested.

House bill No. 5, contained in the foregoing message,  
Was read a first time, and

Mr. Wallace moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Bennett, Blair, Cobb, Conley, Conner, Cravens, Craven, Hamilton, Hargrove, Hill, Jennings, Line, McLean, March, Murray, O'Brien, Rice, Shoemaker, Slack, Steele, Stevens, Tarkington, Turner, Wagner, Wallace, Weir, Williams and Wilson—28.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bobbs, Brown, Carnahan, Fisk, Green, Heffren, Hendry, Jones, Kinley, Lomax, McClure and Thompson—11.

So the rules were not suspended.

A message from the House, by Mr. Ryan, Principal Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof :

No. 22. A bill providing for the reappraisement of the unsold school lands in this State. Also,

No. 32. A bill to repeal an act authorizing the State of Illinois to maintain the feeder dam, and securing the use of the waters of the Calumet River, and providing the manner of the assessment of damages sustained by the citizens of Indiana by the erection thereof,

and regulating the draining of swamp lands adjacent to the Calumet River in the State of Indiana.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 22 and 32, contained in the foregoing message,  
Were read a first time, and passed to a second reading on to-morrow.

#### ORDERS OF THE DAY.

##### *House Bills on their Second Reading.*

House bill No. 18. A bill to amend section 18 of an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 29, 1852;

Was read a second time; and

Referred to the committee on the judiciary.

On motion by Mr. Green,

The committee was instructed to strike out the emergency clause.

House bill No. 19. A bill to secure the service of process in actions against corporations created by the General Assembly of this State which have no officers or persons doing business in the county where they have been located, and have exercised corporate powers;

Was read a second time; and

On motion,

Referred to the committee on corporations.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 87. A bill to enforce the 13th article of the constitution, and to prevent negroes or mulattoes, or persons having one-eighth or more negro blood, from coming into this State or settling herein, and providing penalties therefor;

Was read a second time.

Mr. Green moved to amend the bill by striking out the enacting clause.

On motion by Mr. Heffren,

The bill and pending amendment were referred to a select committee of five.

The President appointed Senators Heffren, Gooding, O'Brien, Hill and Steele said select committee.

Senate bill No. 88. A bill to regulate the practice in the Supreme Court of the State of Indiana;  
 Was read a second time; and  
 On motion,  
 Referred to the committee on the organization of courts.

SENATE JOINT RESOLUTIONS ON THEIR SECOND READING.

Senate Joint Resolution No. 4. A joint resolution directing the Attorney General to collect immediately certain claims against Allen May, Michael G. Bright and James P. Drake;  
 Was read a second time.

Mr. March moved to amend the joint resolution by striking out the words, "or secured to his satisfaction."

On motion by Mr. Wagner,  
 The joint resolution and pending amendment were referred to the committee on the judiciary, with power to send for persons and papers.

On motion by Mr. Line,  
 The Senate adjourned.

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TUESDAY MORNING, 9 o'clock, }  
 December 14, 1858. }

The Senate met.

The Journal of yesterday was read.

REPORTS FROM STANDING COMMITTEES.

Mr. McLean, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 76, "a bill to prohibit clerks of the circuit and courts of com-

mon pleas, and their deputies, from practicing as attorneys at law in the courts of which they are clerks or deputies, and also to prohibit county treasurers from practicing law in the courts of this State," have had the same under consideration, and have instructed me to report the same back to the Senate, recommending its passage, with the following amendments :

Amend section first so as to read, any "legally appointed deputy" of such clerk, &c.

Strike out section second.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

#### RESOLUTIONS.

On motion by Mr. Steele,

*Resolved*, That the committee on banks inquire whether legislation is not necessary in the final winding up of the State Bank, in order that the States' interest in that institution may have some one legally authorized by law to take charge of all books, papers, moneys, and property of every description in connection with that institution, with leave to report bill or otherwise.

#### BILLS INTRODUCED.

By unanimous consent,  
Mr. Conner introduced

Senate bill No. 97. A bill to provide for the partition of real estate and for laying the same off in lots, streets and alleys, and for the sale thereof, and also for the period when the same shall take effect.

Which was read a first time, and passed to a second reading on to-morrow.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

Senate bill No. 89. A bill to amend the 9th section of an act entitled "an act to provide for the election of clerks of the circuit courts, and prescribing some of their duties;"

Was read a second time.

Mr. Gooding moved to amend the bill by striking out all after the words "or otherwise," and before the words "and such."

Which was agreed to.

The bill was ordered to be engrossed and read a third time on to-morrow.

Senate Bill No. 90. A bill to amend section two of an act entitled "an act to change the time of holding courts in the eleventh judicial circuit," approved February 17, 1857 ;

Was read a second time ; and

On motion by Mr. Murray,

Referred to a committee of all the Senators from the 11th judicial circuit.

The President appointed Senators Murray, Odell and Slack said select committee.

On motion by Mr. Conner,

The order of business was suspended, and

Senate bill No. 82. A bill to amend section 1st of an act to provide compensation to the owners of animals killed or injured by cars, locomotives or carriages of any railroad company in this State," approved March 1, 1853,

Was taken from the table, and

On motion,

Recommitted to the committee on the judiciary.

Senate Bill No. 91. A bill regulating the choosing of United States Senators by the General Assembly, specifying the time, place and mode of such choosing, and providing for the designation of such Senators by the voters of this State;

Was read a second time, and

Laid on the table.

The order of business was suspended, and

On motion by Mr. Hendry,

*Resolved*, That the select committee to whom was referred the subject of heating the Senate Chamber be requested to inquire into the expediency of exempting the central portion of the chamber from the operation of falling rain.

Senate Bill No. 92. A bill to change the time of the election of members of Congress, and to provide for their election ;

Was read a second time ; and

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 93. A bill to amend section five of "an act prescribing the manner of empanneling petit jurors, the number and compensation thereof," approved May 20, 1852 ;

Was read a second time ; and

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 94. A bill to amend the 22d and 65th sections of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, so as to enable assessors to perform their several duties without the aid of blanks;

Was read a second time, and

On motion,

Referred to the committee on county and township business.

Senate Bill No. 95. A bill to provide compensation to persons who may bring to justice fugitives from the same;

Was read a second time; and

On motion,

Referred to the committee on claims.

Senate Bill No. 96. A bill to prevent the destruction of sheep and other stock by dogs;

Was read a second time.

Mr. Green moved to amend the bill by adding the following sections thereto:

SEC. —. That in all cases where the death penalty is to be executed under the provisions of this act, it shall be, if the criminal be a New Foundland or Bull dog, by shooting, and if a hound, bitch or other kind of dog or dogs, then and in that case, by hanging, and in all cases shall be buried without skinning.

SEC. —. Inasmuch as there now exists a law for killing sheep-killing dogs, it is hereby declared that this act shall not take effect and be in force unless the person inflicting the death penalty, as contemplated in this act, shall be in the heat of passion, and that heat of passion caused by the wickedness of the *canine* to be punished.

On motion by Mr. Wagner,

The bill and pending amendment were referred to the committee on agriculture.

#### HOUSE BILLS ON THEIR SECOND READING.

House bill No. 5. A bill to amend the 6th section, and to repeal the seventh clause of the 7th section of an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto, approved May 13, 1852;

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

House bill No. 22. A bill providing for the re-appraisement of the unsold school lands in this State;

Was read a second time; and

On motion,

Referred to the committee on education.

House bill No. 32. A bill to repeal an act authorizing the State of Illinois to maintain the feeder dam, and securing the use of the waters of the Calumet River, and providing the manner of the assessment of damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet River in the State of Indiana;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 38. A bill legalizing the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken and certified by the clerk of the circuit and common pleas courts of this State, after the reception of the Revised Statutes of 1852 in their respective counties;

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 39. A bill to regulate the collection of judgments and the sale of property on execution against any sheriff, constable, or other public officer, administrator, guardian, executor, or any other person or corporation receiving or holding money in a fiduciary capacity, or the sureties of any or either of them;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 40. A bill to relieve Nathan Rowley, of Vanderburgh county, from the consequences of certain legal proceedings had, and judgment rendered in the Vanderburgh circuit court at the September term of said court in the year 1847, in an action wherein the State of Indiana on the relation B. Mills, school commissioner, was plaintiff, and the said Nathan Rowley, former school commissioner, and others his sureties, were defendants;

Was read a second time.

On motion by Mr. Heffren,

The bill was amended by making all sums of money to be paid said Nathan Rowley to be paid out of the treasury of Vanderburgh county.

On motion,

The bill was referred to the committee on claims.



House bill No. 43. A bill to authorize churches to form a union, assume a new name, appoint trustees, and enable them to receive conveyance of lands and donations of personal property;

Was read a second time, and passed to a third reading on to-morrow.

#### SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 27. A bill regulating the jurisdiction and duties of justices of the peace in cases of attachment;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—44.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Leave of absence was granted Mr. Cooper on account of sickness.

The order of business was suspended, and

Mr. Wallace, from a select committee, made the following report:

MR. PRESIDENT:

The committee to whom was referred the resolution adopted yesterday, in reference to overhauling the heating arrangements of the Senate Chamber, and report whether the same can be improved, beg leave to report that the only immediate available improvement they can now suggest will be to order the coal stoves, now in use, to be removed and exchanged for suitable stoves constructed for burning wood. They submit this suggestion with the hope that it will be at once adopted. The committee further report that they will, at the earliest moment, consult some person skilled in the science, with a view to the perfection of some plan for heating the chamber from the basement of the house, so that the Senators will not be troubled during the continuance of the ensuing session. In the meantime

they renew their suggestions of an exchange of stoves as above stated, and recommend that the Doorkeeper be charged with that duty immediately.

Which report was concurred in.

Senate bill No. 71. A bill to amend the 6th section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852, so as to exempt certain property therein named from taxation;

Was read a third time.

On motion by Mr. Wallace,

The bill was recommitted to the committee on the judiciary.

Mr. Weir moved to reconsider the vote by which the resolution to adjourn on the 22d inst., was adopted on yesterday.

Mr. March moved a call of the Senate.

Pending which,

By unanimous consent,

Mr. March presented the memorial of the Society of Friends in Hendricks county, on the subject of temperance,

Which,

On motion,

Was referred to the committee on temperance.

Pending the call of the Senate,

On motion by Mr. Weir,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

The call of the Senate, pending at adjournment, was resumed.

The Secretary proceed with the call,  
Whereupon,  
The following Senators answered to their names :

Messrs. Anthony, Beeson, Bennett, Blair, Carnahan, Cobb, Conley, Conner, Cravens, Craven. Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Steele, Thompson, Turner, Wagner, Walleae, Weir, Williams and Wilson—39.

On motion by Mr. Murray,  
The further call of the Senate was suspended.

The order of business was suspended, and  
Mr. Murray introduced

Senate Joint Resolution No. 5. A joint resolution continuing in force the organization of the two Houses of General Assembly at the commencement of the regular session, and providing for the continuation of business from the point where it is left by this session.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT :

The committee on enrolled bills would respectfully report that they have compared the enrolled with the engrossed copies of Senate bill No. 31, an act to fix the time of holding the courts of common pleas in the county of Bartholomew, and find the same correct.

#### SPECIAL ORDER.

The hour having arrived, the Senate proceeded to the consideration of the resolution of Mr. Murray instructing the committee on the judiciary to report a bill abolishing the court of common pleas, transferring the business thereof to the circuit court, increasing the number of circuits to not less than thirty, and providing for the holding of three terms per year, made the special order for to-day at 2 o'clock.

Mr. Heffren moved to amend the resolution by striking out "thirty" where it occurs before circuits, and inserting "twenty" instead thereof.

Mr. Bennett moved to amend the amendment as follows:

“That the committee on the organization of courts be instructed to report a bill re-organizing the judicial system, so as to render the same more economical and effective.”

Pending the consideration of the resolution and amendments,

On motion by Mr. Bennett,

The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
December 15, 1858. }

The Senate met.

The Journal of yesterday was read.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 39, “an act to regulate the collection of judgments and the sale of property on execution against any sheriff, constable or other public officer, administrator, guardian, executor or any other person or corporation receiving or holding money in a fiduciary capacity, or the securities of any or either of them,” have had the same under consideration, and have directed me to report the same back to the Senate, and to recommend its passage.

Which report was concurred in.

Mr. Bennett, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate bill No. 41, “a bill in relation to the publication of legal advertise-

ments," have had the same under consideration, and have instructed me report the same back to the Senate and to recommend its passage, with the following amendment :

Strike out section 2, being the emergency clause.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Anthony, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 9, "a bill to provide for and secure the rights of married women in real property," have had the same under consideration, and have instructed me to report the same back to the Senate, and to recommend its indefinite postponement.

Mr. Murray, from the committee on the judiciary, made the following minority report :

MR. PRESIDENT :

The minority of the committee on the judiciary, to whom was referred Senate bill No. 9, entitled "a bill to provide for and protect the rights of married women in real property," disagreeing with a majority of the committee, beg leave to submit the following as their report :

Believing that the object of the bill under consideration is one which is just and right, and of sufficient importance to authorize them to trespass upon the Senate, a few suggestions with reference to its provisions, and more especially to the second section.

It will be seen that it proposes to give to the wife of a vendor of real estate, who does not join in the conveyance with her husband, or whose property has been sold by virtue of any judgment or decree to which the wife was not a party, the power to assert her right immediately, as if her husband had died. It does not effect the rights of a creditor adversely, or of a purchaser at sheriff's or other sale, for it gives him all the rights that he now has, but gives that right to the wife immediately after *the sale* which she would have if her husband were dead.

As the law now is the purchaser of real property, either at private or public sale, can only acquire an interest, and in fact only purchases two-thirds of the property, but really for an indefinite length of time enjoys the benefit of the entire tract or parcel, the right of the wife being complete only at the death of her husband, and then only in case she survives him, leaving the purchaser with a possibility

of enjoying the whole tract or parcel of land on the purchase of and payment for two-thirds only.

The question is raised here whether it is not the duty of the Legislature, in every practicable mode, when it can be done without prejudice to the rights of others, to take care of that class of our citizens who are solely dependent upon the sense of justice of this Legislature? The wife, with very often a houseful of helpless children, by the wickedness or improvidence of the husband and father, may be left to struggle with the ills of life, turned away from the homestead, to eke out a scanty subsistence for herself and children; while the purchaser is enjoying the benefit of what he has not paid for, and to which he has no equitable title. It seems to us, that in this christian land, this gross injustice should no longer remain upon our statute book. Let us give to the wife now while she shall need it, that which may be hers when she may not long survive to enjoy it. We earnestly hope that the bill may be passed.

The majority and minority reports were laid on the table.

Mr. Rice, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 86, "a bill to enable the holders of unauthorized paper money to collect the amount thereof from any person, company or corporation heretofore or hereafter issuing or aiding in the issue or circulation thereof," have had the same under consideration, and have directed me to report the same back to the Senate, and to recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. March, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 92, "an act to change the time for the election of members of Congress, and to provide for their election," have had the same under consideration, and have unanimously directed me to report the same back, and to recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Slack, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 93, "a bill to amend section five of 'an act prescribing the manner of empanneling petit jurors, the number and compensation thereof,' approved May 20, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate, and to recommend its indefinite postponement.

On motion,  
The report was laid on the table.

Mr. March, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred House bill No. 5, "a bill to amend the 6th section, and to repeal the seventh clause of the 7th section of 'an act regulating the granting of divorces, nullification of marriages, and decrees and orders of the court incident thereto,' approved May 13th, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and to recommend that it be laid on the table.

Which report was concurred in.

Mr. Conner, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 82, "a bill to amend sections 1 and 2 of 'an act to provide compensation to the owner of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State,' approved March 1st, 1852, and to provide for the manner of the service of process," and the pending amendment thereto, have had the same under consideration, and direct me to report the same back to the Senate with the following additional amendment, and when so amended, to recommend its passage.

Amend by adding to section 1st the following :

"But in all cases when any animal or animals so killed, at any one time, shall exceed in value fifty dollars and shall not exceed one hundred dollars, the owner or owners of any such animal or animals may file his complaint, and prosecute his claim before such justice of the peace, in the court of common pleas, or in the circuit court, at his option ;" and by adding :

SEC. 3. That section second of said act, which reads as follows, to-wit :

“On the hearing of said cause the justice or jury trying the same shall give judgment for the plaintiff for the value of the animal destroyed or injury inflicted, without regard to the question whether such injury or destruction was the result of wilful misconduct or negligence, or the result of unavoidable accident,” shall be so amended as to read as follows :

“On the hearing of said cause, the court or jury trying the same shall give judgment for the plaintiff for the value of the animal or animals destroyed or injury inflicted, without regard to the question whether such injury or destruction was the result of wilful misconduct or negligence, or the result of unavoidable accident.”

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Wagner, chairman of the committee on education, made the following report :

MR. PRESIDENT :

The committee on education, to whom was referred Senate bill No. 26, “a bill supplemental to an act entitled ‘an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries and for the regulation thereof,’ approved March 5th, 1855,” have had the same under consideration, and have directed me to report the same back and recommend its passage.

On motion by Mr. Studabaker,

The further consideration of the report was postponed until Friday next at 2 o'clock, P. M., and made the special order for that hour.

Mr. O'Brien, from the committee on education, made the following report :

MR. PRESIDENT :

The committee on education, to whom was referred the resolution of the Senate “to inquire into and report by bill or otherwise, whether any legislation is necessary to secure the sinking fund or any other school fund, from losses upon lands mortgaged to said funds, on account of sales of such mortgaged lands for non-payment of taxes,” after consideration of the same, have directed me to report a bill conformable thereto, entitled “a bill to provide for the collection of taxes assessed against school lands and lots mortgaged to secure loans made of the Sinking Fund, Surplus Revenue Fund,



Saline Fund, Congressional Township Fund, Seminary Fund, College Fund, and any other public or trust fund, to prevent loss of the securities held by said funds, and to repeal the 8th section, of chapter 6, of the Revised Statutes of 1852," and recommend its passage.

Which report was concurred in ; and  
Senate bill No. 98, contained in the foregoing message,  
Was read a first time, and passed to a second reading on to-morrow.

Mr. Anthony, from the committee on education, made the following report :

MR. PRESIDENT :

The committee on education, to whom was referred Senate bill No. 29, "a bill to extend to borrowers of the Sinking Fund, Surplus Revenue Fund, College Fund, Saline Fund, Congressional Township Fund and other funds, time for the payment of their loans, and prescribing the duties of the proper officers in relation thereto," direct me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. Anthony, from the committee on education, made the following report :

MR. PRESIDENT :

The committee on education, to whom was referred Senate bill No. 29, "a bill to extend to borrowers of Sinking Fund, Surplus Revenue Fund, College Fund, Saline Fund, Congresssional School Fund, and other funds, time for the payment of their loans, and prescribing the duties of proper officers in relation thereto," after due deliberation thereon, and not concurring therein, direct me to report the accompanying bill :

Senate bill No. 99. A bill to extend to borrowers of Sinking Fund, Saline Fund, College Fund, and other funds, time for payment of their loans and prescribing the duties of proper officers, as a substitute for said bill No. 29, and recommend its passage.

Senate bill No. 99, introduced with the foregoing report,  
Was read a first time and passed to a second reading on to-morrow.

Mr. Turner, from the committee on swamp lands, made the following report :

MR. PRESIDENT :

The committee on swamp lands, to whom was referred Senate bill No. 68, "a bill to amend the 28th, 32d and 51st sections of an act entitled 'an act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the conditions of said grant,' approved May 29, 1852," have had the same under consideration, and have directed me to report the following amendments, and when so amended, to recommend the passage of the bill.

Amend section 32, by adding after the words "before he enters on the duties of his office," the words, "give bond with at least four freehold sureties, payable to the State of Indiana, in such sum as the board of county commissioners shall direct, and when approved by the said commissioners, shall be filed in the clerk's office of said county.

Also, add an emergency clause.

Which report was concurred in; and  
The bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Murray, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Weir, Williams and Wilson—38.

*Those who voted in the negative were,*

Messrs. Carnahan, Fisk, Hamilton, Heffren, McClure, Miller, O'Brien, Studabaker and Tarkington—9.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Murray, chairman of the committee on the organization of courts, made the following report :

MR. PRESIDENT :

The committee on the organization of courts, to whom was referred Senate bill No. 88, "an act to regulate the practice in the Supreme

"Court of the State of Indiana," and beg leave to report the same back to the Senate, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Hill, chairman of the committee on rights and privileges, made the following report:

MR. PRESIDENT:

The committee on rights and privileges to whom was referred a resolution of the Senate in relation to the rates of toll that the owners of steam grist mills may charge for grinding grain, have had the same under consideration, and direct me to report the following bill and recommend its passage:

Which report was concurred in; and

Senate bill No. 100. A bill to amend section 1, of chapter 71, volume 1, Revised Statutes, approved May 31st, 1852, contained in the foregoing report,

Was read a first time and passed to a second reading on to-morrow.

The following communication was received from His Excellency, the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor inform the Senate that he has approved and signed the following bill:

Senate bill No. 31. A bill to fix the time of holding the courts of common pleas in the county of Bartholomew.

#### RESOLUTIONS.

On motion by Mr. Miller,

*Resolved*, That the committee on finance be instructed to inquire into the expediency of allowing a compensation to John Wertz, late sheriff of Miami county, for recapturing John Matthias, a horse thief, who escaped from the authorities in that county and was afterwards retaken.

Mr. Gooding offered the following resolution:

*Resolved*, That a select committee of three be appointed to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, and report their proceeding and revision to the next session of this Senate.

On motion by Mr. Gooding,  
The further consideration of the resolution was postponed until Monday next at 2 o'clock, P. M.

On motion by Mr. Wagner,

*Resolved*, That the committee on the judiciary be requested to inquire into the power of the Legislature to set apart a sufficient amount of the sinking fund for the redemption of the bank bonds, and whether the interest of the remaining funds cannot be applied to common schools, or must the whole of the interest be held until all said bonds are paid.

On motion by Mr. Weir,  
The order of business was suspended, and  
The motion to reconsider the vote taken on the resolution to adjourn on the 22d inst., taken up.

Mr. Heffren moved to lay the motion on the table.

The ayes and noes being demanded by Senators March and Heffren.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Williams and Wilson—23.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Wallace and Weir—27.

So the motion to lay on the table was not agreed to.

The question being, shall the vote by which the resolution was adopted, be reconsidered?

The ayes and noes being demanded by Senators Slack and Studabaker.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennet, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kin-

ley, March, Murray, Rice, Steele, Stevens, Thompson, Turner, Wagner, Wallace and Weir—26.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Robinson, Slack, Studabaker, Tarkington, Williams and Wilson—23.

So the motion to reconsider was adopted.

Mr. Murray moved to postpone the further consideration of the resolution until Saturday the 18th inst., at 10 o'clock, A. M.

Mr. Wallace moved a call of the Senate.

The Secretary proceeded with the call,

Whereupon,

It being found that all the Senators were present,

On motion,

The further call of the Senate was dispensed with.

The question being, shall the further consideration of the resolution be postponed?

The ayes and noes being demanded by Senators Wallace and Heffren.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Culver, Green, Hamilton, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—25.

*Those who voted in the negative were,*

Messrs. Bennett, Carnahan, Cobb, Conley, Craven, Fisk, Gooding, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—25.

So the motion to postpone did not prevail.

The question being, shall the resolution be adopted?

The ayes and noes being demanded by Senators Heffren and Studabaker.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—23.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hamilton, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—27.

So the resolution was not adopted.

On motion by Mr. Weir,

The order of business was suspended, and

The following messages from the House were taken up :

A message from the House, by Mr. Ryan, Principal Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 36. A bill to amend the first section of an act entitled "an act providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished," approved February 12th, 1855, to authorize the court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned or special terms, and of prosecuting attorneys while in attendance upon the same. Also,

House bill No. 73. A bill to raise a revenue for State purposes for the years 1859 and 1860.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 36 and 73, contained in the foregoing message, Were read a first time, and passed to a second reading on to-morrow.

Mr. McLean moved to suspend the rules and read House bill No. 73 aforesaid, a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb,

Conley, Cooper, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—42.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Heffren moved to amend the bill by inserting in the proper place "1858," and also that there be levied the sum of 15 cents on the one hundred dollars, and 50 cents on each poll for State purposes for the year 1858.

On motion by Mr. McLean,

The bill and pending amendment were referred to the committee on finance.

A message from the House, by Mr. Ryan, Principal Clerk thereof

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 11. A bill repealing the second section of an act entitled "an act to authorize the formation of new counties, and to change county boundaries," approved March 7th, 1857.

In which the concurrence of the Senate is respectfully requested.

House bill No. 11, contained in the foregoing message,

Was read a first time, and passed to a second reading on to-morrow.

The order of business was suspended, and

On motion by Mr. Slack,

*Resolved*, That the committee on temperance return to the Senate House bill No. 23, for the action of the Senate.

On motion by Mr. McLean,

The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

By unanimous consent,  
Mr. McLean introduced

Senate bill No. 101. A bill to amend the 1st section of "an act to amend the 1st section of an act entitled 'an act concerning licenses to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain,' approved June 15th, 1852, and for the encouragement of agriculture, and concerning the licensing of stock and exchange brokers," approved March 7th, 1857.

Which was read a first time.

Mr. McLean moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Bobbs, Carnahan, Cobb, Conley, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Rice, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—36.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Brown, Conner, Culver, Gooding, Odell and Robinson—9.

So the rules were suspended, and the bill read a second time by its title.

The order of business was suspended, and  
Mr. Murray offered the following resolution :

*Resolved*, That the paper purporting to be a memorial from certain colored residents of Washington county, presented by the Senator from Jefferson without a knowledge of its contents, being couched in unbecoming language, an insult to the feelings of a Senator, and to the Senate of Indiana, and believed to be a forgery, be by this Senate rejected, and that no entry be made of the same upon the Journal.



The ayes and noes being demanded by Senators Conley and Carnahan.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Wagner, Wallace, Weir, Williams and Wilson—16.

*Those who voted in the negative were,*

Messrs. Line and Turner—2.

So the resolution was adopted.

Mr. Heffren was present, but was excused from voting.

#### SPECIAL ORDER.

The hour having arrived, the Senate proceeded to consider the resolutions of Mr. Green, offered on the 9th inst., in reference to contest of Kline G. Shryock *vs.* Hugh Miller, made the special order for to-day at 2 o'clock, P. M.

Mr. Green moved a call of the Senate.

The Secretary proceeded with the call,  
Whereupon,

It being found that all the Senators were present,  
The further call was dispensed with.

Mr. McLean moved to amend the resolution by striking out all after the resolving clause and inserting:

"That Hugh Miller is entitled to the seat he now holds as Senator from the counties of Marshall, Starke, Fulton and St. Joseph, and that Kline G. Shryock, the contestant of said seat, is not legally entitled to the said seat."

The ayes and noes being demanded by Senators Murray and McLean.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—23.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Steele, Stevens, Thompson, Turner, Wagner and Weir—23.

The President voted in the affirmative.

So the amendment was adopted.

The question being, shall the resolution, as amended, be adopted?

The ayes and noes being demanded by Senators Murray and Weir.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—23.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Steele, Stevens, Thompson, Turner, Wagner and Weir—23.

The President voted in the affirmative.

So the resolution, as amended, was adopted.

Mr. Heffren moved to reconsider the vote by which the resolution was adopted, and to lay that motion on the table.

Which was agreed to.

On motion by Mr. Murray,  
The Senate adjourned.

THURSDAY MORNING, 9 o'clock, }  
December 16, 1858. }

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Beeson presented the memorial of the Indiana Yearly Meeting of Friends, composed of that portion of the religious Society of Friends residing in the western part of Ohio, and eastern and northern part of Indiana, and in the State of Iowa, on the subject of enacting a sufficient law for the suppression of intemperance.

On motion by Mr. Beeson,  
The memorial was referred to the committee on temperance.

REPORTS FROM STANDING COMMITTEES.

Mr. March, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred House bill No. 32, "an act to repeal an act authorizing the State of Illinois to maintain the feeder dam, and securing the use of the waters of the Calumet River, and providing the manner of the assessment of damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet River in the State of Indiana," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in, and

The bill read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice,

Robinson, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner and Wilson—40.

Mr. Williams voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Conner, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 21, "to amend an act entitled 'an act concerning real property and the alienation thereof,' approved May 6, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, with the following amendment:

Strike from the section as amended the word "purchase."

Which report was concurred in, and

On motion by Heffren,

The bill was considered as engrossed, and

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Wagner, Weir, Williams, and Wilson—42.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Conner, chairman of the committee on corporations, made the following report:

MR. PRESIDENT :

The committee on corporations, to whom was referred House bill No. 19, "a bill to secure the service of process in actions against corporations created by the General Assembly of this State, which have no officers or persons doing business in the county where they have been located, and have exercised corporate powers," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and

The bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—47.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Steele, chairman of the committee on banks, made the following report :

MR. PRESIDENT :

The committee on banks to whom was referred a resolution of the Senate, inquiring whether legislation is necessary on the subject of the winding up of the State Bank, and the funds of the State connected therewith, have had the same under consideration, and direct me to report to the Senate the following bill and recommend its passage.

Which report was concurred in, and

Senate bill No. 102. A bill to continue the present board of Sinking Fund Commissioners, consisting of a President and four Commissioners, and one Clerk, from the first of January, 1859, to the first Monday of April, 1859, and until their successors are elected and qualified, contained in the foregoing report,

Was read a first time.

Mr. Steele moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Green, Hamilton, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—45.

Senator Hargrove voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Ordered to be engrossed and read a third time on to-morrow.

The order of business was suspended, and

By unanimous consent,

Mr. Hamilton introduced

Senate bill No. 103. A bill relative to the salaries of supreme and circuit judges, and prosecuting attorneys.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Gooding, chairman of the committee on temperance, made the following report:

MR. PRESIDENT:

The majority of the committee on temperance, to which was referred House bill No. 23, "a bill to repeal an act entitled 'an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance,' approved February, 1855," have considered the same, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

Which report was concurred in, and the bill passed to a third reading on to-morrow.

Mr. Gooding, chairman of the committee on temperance, made the following report:

MR. PRESIDENT:

The committee on temperance, to whom was referred Senate bill No. 42, "a bill to repeal an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, approved February 26, 1857," have had the same under consideration, and have been unable to agree upon the propriety of the passage of said bill, and have directed me to report the same back to the Senate without any recommendation whatever, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Heffren moved to lay the bill upon the table.

The ayes and noes being demanded by Senators Gooding and Cobb.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cravens, Craven, Culver, Fisk, Hamilton, Heffren, Hendry, Hill, Johnston, Kinley, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Weir and Wilson—31.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Conner, Gooding, Green, Hargrove, Line, Lomax, McClure, Shoemaker, Studabaker, Tarkington and Williams—15.

So the bill was laid on the table.

On motion by Mr. Conner,

The order of business was suspended, and

The following messages from the House were taken up:

A message from the House, by Mr. Ryan, Principal Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insists upon the following engrossed amendments to Senate bill No. 3. A bill to provide for the appraisement of real estate and prescribing the duties of officers in relation thereto.

Amend the first section by striking out the proviso, and insert:

"Said appraiser, and such as shall be elected under the provisions

of this act, shall have power to appoint deputies, who shall take the same oath required of their principal, to be endorsed on the certificate of appointment."

Amend section 5 by striking out the proviso in said section, commencing in line 11 and ending with line 12.

Add to section 24 the following :

" And especially sections 32, 33, 34 and 35 of 'an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,' approved June 21, 1852," be, and the same are hereby repealed."

On motion by Mr. Tarkington,

The Senate insisted upon its disagreement to the engrossed amendments of the House to the bill.

Mr. Tarkington moved that a committee of free conference be appointed.

Which was agreed to.

The President appointed Senators Tarkington, Heffren and March said select committee.

A message from the House, by Mr. Ryan, Principal Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed Senate bill No. 28. A bill to prescribe the time, place and manner of electing United States Senators, and to fix the penalty upon officers failing to certify to said election, with the following engrossed amendment.

In which the concurrence of the Senate is respectfully requested.

Strike out sec. 6 and insert in the place thereof the following :

SEC. 6. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

The engrossed amendment of the House was concurred in.

On motion by Mr. Bobbs,

A call of the Senate was ordered.



The Secretary proceed with the call,  
Whereupon,  
All the Senators answered to their names except Mr. Slack.

On motion,  
The further call of the Senate was suspended.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—27.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Studabaker, Tarkington, Wallace, Williams and Wilson—22.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

By unanimous consent,  
Mr. Anthony introduced

Senate bill No. 104. A bill to amend the 18th section of an act entitled "and to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9th, 1857.

Which was read a first time and passed to a second reading on tomorrow.

By unanimous consent,  
The order of business was suspended, and

Senate Bill No. 91. A bill regulating the choosing of United States Senators by the General Assembly, specifying the time, place and mode of such choosing, and providing for the designation of such Senators by the voters of this State;

Was taken from the table.

On motion by Mr. Wallace,

The bill was referred to a select committee of five with the following instructions :

Amend the bill by striking out section 6, and inserting instead :

SEC. 6. Such designation shall have the effect of an instruction to the General Assembly to carry out the popular will by choosing the person designated a United States Senator, and the General Assembly shall, at 2 o'clock, P. M., of the second Tuesday of the session at which a United States Senator is to be chosen, proceed to choose such Senator.

The President appointed Senators Wallace, Gooding, Tarkington, March and Anthony said select committee.

On motion by Mr. Conley,  
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Murray moved to suspend the order of business and take up the orders of the day.

Mr. Tarkington moved to lay the motion on the table.  
Which was not agreed to.

The motion was agreed to, and the Senate proceeded to the

#### ORDERS OF THE DAY.

#### *House Bills on their Third Reading.*

House bill No. 23. A bill to repeal an act entitled "an act to prohibit the sale of spirituous and intoxicating liquors, except in cases therein named, and to repeal all former act inconsistent therewith, and for the suppression of intemperance," approved February, 1855;  
Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Weir, Williams and Wilson—35.

*Those who voted in the negative were,*

Messrs. Beeson, Green, Hendry, Hill, Kinley, March, Steele, Stevens, Thompson, Turner and Wagner—11.

Mr. Bobbs being present refused to vote.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 38. A bill legalizing the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken and certified by the clerk of the circuit and common pleas courts of this State, after the reception of the Revised Statutes of 1852 in their respective counties ;

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Craven, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—38.

*Those who voted in the negative were,*

Messrs. Beeson, Bennett, Conner, Fisk, Hill, Line, Studabaker, Wallace and Weir—9.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 39. A bill to regulate the collection of judgments and the sale of property on execution against any sheriff, constable, S.J.—15.

or other public officer, administrator, guardian, executor, or any other person or corporation receiving or holding money in a fiduciary capacity, or the sureties of any or either of them ;

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Johnston, Kinley, Line, Lomax, McClure, March, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker and Thompson—32.

*Those who voted in the negative were,*

Messrs. Cravens, Heffren, Hill, Jennings, Jones, McLean, Miller, Murray, Rice, Tarkington, Turner, Wagner, Wallace, Weir, Williams and Wilson—16.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 43. A bill to authorize churches to form a union, assume a new name, appoint trustees, and enable them to receive conveyance of lands and donations of personal property ;

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner and Weir—42.

*Those who voted in the negative were,*

Messrs. Gooding, Hargrove, Heffren, Wagner, Wallace, Williams and Wilson—7.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

## SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 41. A bill in relation to the publication of legal advertisements ;

Was read a third time.

On motion by Mr. Bobbs,

The vote by which the bill was ordered to be engrossed was reconsidered.

On motion by Mr. Bobbs,

The bill was referred to a select committee of three.

The President appointed Senators Bobbs, Rice and Gooding said select committee.

On motion by Mr. Gooding,

The committee were instructed to amend the bill by striking out "one time a week" and inserting instead thereof, "once a week."

Senate bill No. 74. A bill for the better protection of religious meetings, agricultural fairs and other lawful assemblages of the people ;

Was read a third time.

On motion by Mr. Wagner,

The bill was recommitted to a select committee of three with instructions to so amend the bill as to include those who may be the owners of property near such assemblages, who may rent the same for the purpose of huckstering.

The President appointed Senators Wagner, Heffren and O'Brien said select committee.

Leave being granted,

Mr. Johnston offered the following resolution :

*Resolved*, That the House be requested to return House bill No 43 to the Senate immediately.

On motion by Mr. McLean,

The resolution was laid on the table.

Senate bill No. 75. A bill to amend section 6 of an act entitled "an act defining misdemeanors, and prescribing the punishment therefor," approved June 14, 1852 ;

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Weir and Wilson—42.

*Those who voted in the negative were,*

Messrs. Cravens, Gooding, Miller, Odell, Wallace and Williams—6.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 76. A bill to prohibit clerks of the circuit and courts of common pleas, and their deputies, from practicing as attorneys at law in the courts of which they are clerks or deputies, and also to prohibit county treasurers from practicing law in the courts of this State;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Rice, Shoemaker, Steele, Thompson, Turner, and Wagner—31.

*Those who voted in the negative were,*

Messrs. Carnahan, Conley, Culver, Fisk, Hargrove, Jennings, Johnston, Jones, Odell, Robinson, Slack, Stevens, Studabaker, Tarkington, Wallace, Weir, Williams and Wilson—18.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 78. A bill to amend the 196th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms of law in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the

administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Blair, Brown, Conner, Cravens, Gooding, Green, Heffren, Hendry, Hill, Kinley, Line, Lomax, McLean, March, Murray, O'Brien, Rice, Robinson, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner and Wilson—28.

*Those who voted in the negative were,*

Messrs. Beeson, Carnahan, Conley, Culver, Fisk, Hamilton, Hargrove, Jennings, Johnston, Jones, McClure, Miller, Odell, Shoemaker, Wallace, Weir and Williams—17.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Senate Bill No. 92. A bill to change the time of the election of members of Congress, and to provide for their election ;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Bobbs, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Heffren, Hendry, Hill, Jones, Kinley, McClure, McLean, March, Miller, Murray, Rice, Robinson, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Weir—35.

*Those who voted in the negative were,*

Messrs. Fisk, Hamilton, Hargrove, Jennings, Johnston, Line, Lomax, O'Brien, Odell, Shoemaker, Studabaker, Wallace, Williams and Wilson—14.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Senate bill No. 80. A bill supplemental to an act entitled 'an act to provide for the valuation and assessment of the real and personal

property, and the collection of taxes in the State of Indiana; for the election of township assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Blair, Bobbs, Brown, Cobb, Green, Hamilton, Hendry, Jennings, Johnston, March, Miller, O'Brien, Rice, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Thompson and Williams—21.

*Those who voted in the negative were,*

Messrs. Beeson, Bennett, Carnahan, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Hargrove, Heffren, Hill, Kinley, Line, Lomax, McClure, McLean, Odell, Steele, Stevens, Turner, Wagner, Wallace, Weir and Wilson—27.

So the bill did not pass.

Senate bill No. 82. A bill to amend section 1st of an act to provide compensation to the owners of animals killed or injured by cars, locomotives or carriages of any railroad company in this State, approved March 1, 1853;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, March, Miller, O'Brien, Odell, Rice, Robinson, Slack, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—38.

*Those who voted in the negative were,*

Messrs. Beeson, Carnahan, Conley, McLean, Steele, Studabaker and Tarkington—7.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.



A message from the House by Mr. Ryan, Principal Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, viz:

Senate bill No. 11. A bill in relation to ventilating, repairing and warming county prisons, without amendment.

A message from the House, by Mr. Ryan, Principal Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has appointed Messrs. Stanfield, Branham and Edwards a committee of free conference, to confer with a similar committee from the Senate, in relation to House amendments to Senate bill No. 3, to-wit: "A bill to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto."

On motion by Mr. Carnahan,  
The Senate adjourned.

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FRIDAY MORNING, 9 o'CLOCK, }  
December 17, 1858. }

The Senate met.

The President being sick, Mr. Tarkington took the Chair.

The Journal of yesterday was read.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Rice, chairman of the committee on finance, made the following report:

MR. PRESIDENT :

The committee on finance, to whom was referred House bill No. 73, "a bill to raise a revenue for State purposes for the years 1859 and 1860," have had the same under consideration, and have instructed me to report it back and recommend its passage.

Which report was concurred in.

Mr. Murray moved that the bill be read a third time now.

The ayes and noes being demanded by Senators Williams and Heffren.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Line, McLean, Murray, O'Brien, Rice, Robinson, Shoemaker, Steele, Stevens, Thompson, Turner, Wagner, Weir and Wilson—30.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Heffren, Jennings, Lomax, McClure, March, Miller, Odell, Slack, Studabaker, Tarkington, and Williams—18.

So the motion to read the bill a third time now prevailed; and The bill was read a third time.

Mr. Heffren moved to recommit the bill to the committee on finance, with instructions to add in the proper place, "15 cents upon the one hundred dollars, and fifty cents on the poll for the year 1858."

Mr. Slack moved to amend the instructions by striking out "15 cents" and inserting "10 cents."

Mr. Weir moved to lay the motion to recommit with the pending instructions on the table.

The ayes and noes being demanded by Senators Heffren and Williams.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hendry, Hill, Jones, Kinley, Line, McClure, McLean, March, Murray, Rice, Rob-

inson, Steele, Stevens, Thompson, Turner, Wagner, Weir and Wilson—31.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Hargrove, Heffren, Jennings, Johnston, Lomax, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, and Williams—17.

So the motion to recommit with instructions was laid on the table.

Mr. Blair moved to recommit the bill with instructions to strike out "twenty" and insert "fifteen" in the first section.

Mr. Johnston moved to amend the instructions so as to require the committee to strike out all that part of the bill that relates to the year 1860.

Mr. Anthony moved to lay the motion to recommit with pending instructions on the table.

Mr. Heffren called for a division of the question.

The question being, shall the amendment to the instructions offered by Mr. Johnston, lay on the table?

The ayes and noes being demanded by Senators Johnston and Heffren.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hendry, Hill, Kinley, Line, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir and Wilson—34.

*Those who voted in the negative were,*

Messrs. Blair, Carnahan, Conley, Fisk, Hargrove, Heffren, Jennings, Johnston, Jones, Lomax, McClure, Miller, Slack, Wallace and Williams—15.

So the motion to lay on the table prevailed.

The question being, shall the motion to recommit with instructions, be laid on the table?

The ayes and noes being demanded by Senators Blair and Anthony.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Brown, Carnahan, Cobb, Conley, Cravens, Craven, Culver, Hamilton, Hargrove, Heffren, Hill, Jennings, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Weir, Williams and Wilson—37.

*Those who voted in the negative were,*

Messrs. Blair, Bobbs, Conner, Fisk, Gooding, Green, Hendry, Johnston, Jones, Slack, Thompson and Wallace—12.

So the motion to recommit with instructions was laid on the table.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir and Wilson—42.

*Those who voted in the negative were,*

Messrs. Conley, Heffren, Jennings, Johnston, Slack, Wallace and Williams—7.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Heffren, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate bill No. 53, "a bill to provide for the transferring of the bonds of the State of Indiana, providing for the registry of the same, and to prevent a fraudulent issue thereof, and providing punishment for the same," have had the same under consideration, and have instructed me to report it back and to recommend its passage, with the following amendments:

Amend the title by striking out the word "bonds," in second line, and insert "certificates of stock."

Strike out "for the same," in last line of title, and insert, "for violation of the provisions of this act."

Strike out the word "bond" wherever it occurs, and insert "certificate of stock," and strike out the word "bonds" wherever it occurs, and insert "certificates of stock."

Strike out the word "certificate" in line 7, section 2.

Strike out "canceling" and insert "cancellation" in line 2, section 3.

Strike out the words "any bond or bonds," in section 4, and insert, "that no certificate of stock."

Which report was concurred in.

Mr. Murray moved to consider the bill as engrossed and read the same a third time now.

Which was agreed to; and

The bill was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—42.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Heffren, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate bill No. 55, "a bill to provide for the safe-keeping of the public moneys, and of bonds and other securities entrusted to the care of certain officers

herein mentioned," have had the same under consideration, and have instructed me to report it back and recommend its passage.

Which report was concurred in.

Mr. Heffren moved to strike out the words "public moneys," wherever they occur therein.

Mr. Conner moved to amend the amendment by inserting in the proper place, "the Treasurer of State shall account for all interest received by him on deposits or otherwise as such Treasurer."

On motion by Mr. Hamilton,  
The bill and pending amendment were laid on the table.

Mr. Hendry, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 5, "a bill to amend the thirty-second section 'an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,' approved June 21, 1852," have had same under consideration, and directed me to report the same back, with one amendment, and recommend its passage :

Strike out all after the words "be, and the same is hereby amended to read as follows, to-wit," and insert the following :

"It shall be the duty of the President, Secretary, Agent or other proper accounting officer of any rail road, plank road, turnpike road, slack water navigation, telegraph and bridge company in this State to furnish to the Auditor of the county where their principal office is situated, a list of all the stock in said company and its value, excepting therefrom all lands and their value held in trust or owned by such company, that are not used in running or operating their said railroad, plank road, turnpike road, slack water navigation, telegraph, or bridge, which list shall be attested by the oath of the officer making the same, and the said officer shall furnish a statement dividing the aggregate amount of said stock amongst the several counties in proportion to the value of the superstructure, buildings and real estate owned and used by such company in operating and carrying on their said business in each county, and if any such company shall not have in this State its principal office for the transaction of its financial business, it shall be the duty of the President, Cashier, Secretary, Treasurer, Engineer or constructing agent of such com-

pany to furnish the auditor of the county where there work first enters the State, a statement, under the oath or affirmation of the officer making it, specifying the amount and value of all real estate owned and used by such company in running and operating their said railroad, plank road, turnpike road, slack water navigation, telegraph or bridge within the State, the amount expended in the construction of said work within the lines of this State, and the amount invested in machinery and rolling stock, shall be assessed for taxation in the same proportion to its total amount that the length of the line of the work in this State, completed, bears to the entire length of the line of said work completed. And all the lands owned or held in trust by any of the aforesaid companies, and not used by them in running or operating their said rail road, plank road, turnpike road, slack water navigation, telegraph, or bridge, shall be assessed for taxation, and the taxes collected in the counties where they severally lie, in the same manner and subject to the same rules and regulations that govern the assessment and collection of taxes on the lands of private persons."

Which report was concurred in.

Mr. Miller moved to consider the bill as engrossed and that it be read a third time now.

Which was agreed to ; and

The bill read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—48.

Senator Wallace voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Gooding, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill

No. 54, "a bill to amend the title of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18th, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and to recommend that it be laid on the table.

Which report was concurred in.

Mr. Slack, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred a resolution of the Senate directing said committee to inquire "whether legislation is necessary to perfect the law in reference to the conviction of felons, when more than one conviction has been had against the same individual at one term of this court, and to report by bill or otherwise," have had the same under consideration, and have instructed me to report the accompanying bill and recommend its passage :

Senate bill No. 105. An act to provide for the infliction of punishment where more than one conviction has been had against the same person, at any one term of any of the courts of this State for a violation of the criminal laws thereof.

Which report was concurred in, and

Senate bill No. 105, contained in the foregoing message,

Was read a first time, and passed to a second reading on to-morrow.

Mr. Bennett, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 18, "a bill to amend section 18 of an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions,' approved May 29th, 1852," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in, and the bill passed to a third reading on to-morrow.

Mr. Anthony, from the committee on the judiciary, made the following report :



MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 71, "a bill to amend the 6th section of an act entitled 'an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State,' approved June 21, 1852, so as to exempt certain property therein named from taxation," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, with the following amendment :

Add to clause nine of the amended section these words : "Organized for the purpose of promoting and disseminating knowledge of the science of agriculture."

Which report was concurred in.

Mr. Cobb, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 40, "a bill to amend section 10 of an act entitled 'an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases,' approved June 9th, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Conner, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred a resolution of the Senate to "examine whether the General Assembly can pass a law legally compelling railroad companies to pay for killing animals on highways or commons where railroads cannot be fenced, and report the result of their examination," have had the same under consideration, and have directed me to report, in the opinion of the committee, the General Assembly has the power to pass such a law.

Which report was concurred in.

Mr. McLean, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 46, "a bill to amend the 9th section of an act entitled 'an act to exempt property from sale in certain cases,' approved February 17th, 1852," have had the same under consideration, and instructed me to report the same back to the Senate for its action.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Hendry, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate bill No. 48, "a bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend that it be laid on the table.

Which report was concurred in.

Mr. March, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 62, "a bill to provide for the relief and support of married women when deserted by their husbands, and of children when deserted by their parents, by the sale of property, and to repeal all laws in conflict therewith," have had the same under consideration, and have instructed me to report the same back to the Senate, and to recommend that it be laid on the table.

Which report was concurred in.

Mr. March, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 52, "a bill to render public officers competent to testify as witnesses in actions brought on their relation in the name of the State," have had the same under consideration, and have instructed me to

report the same back to the Senate, and to recommend its passage, with the following amendment :

Add to section first, "and whenever any such officer is examined as a witness in behalf of the State, the defendant shall be a competent witness in his own behalf, in respect to all matters testified to by such officer."

Which report was concurred in, and the bill ordered to be engrossed.

Mr. March, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 57, "a bill to amend the 381st section of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18, 1852," have had the same under consideration, and have directed me to report the same back to the Senate and recommend that it be laid on the table.

Leave being granted,

Mr. Wallace offered the following resolution :

*Resolved*, That the several reporters on this floor be respectfully requested to leave out of the body of their reports of the proceedings of this body, all comments of their own, favorable or unfavorable.

Mr. Green moved to amend the resolution so as to require the appointment of a select committee of three to instruct the reporters what to report.

On motion by Mr. Wagner,

The resolution and pending amendment were laid on the table.

Pending the consideration of the report from the committee on the judiciary,

On motion by Mr. Line,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Heffren, from the committee of free conference, appointed on the part of the Senate, to act with a similar committee on the part the House, on Senate bill No. 3, made the following report:

MR. PRESIDENT :

The committee of free conference on the part of the Senate and House, to whom was referred the engrossed amendments of the House to Senate bill No. 3, "a bill to provide for the appraisement of real estate and prescribing the duties of officers in relation thereto," have had the same under consideration, and have directed me to report :

That they insist upon the disagreement of the Senate to the engrossed amendment of the House to the first section of the bill.

That they recede from the disagreement of the Senate to the amendment of the House to section 5, striking out the proviso in said section.

That the amendment of the House to section 24 has been rejected by the committee ; and that said section has been further amended by adding thereto the words, "and especially so much of sections 32, 33, 34 and 35 as are inconsistent with the provisions of this act."

And after the action of the committee has been approved of by the Senate, they recommend the passage of the bill.

Which report was concurred in ; and

The bill passed.

#### SPECIAL ORDER.

The hour having arrived,

On motion by Mr. Murray,

The Senate resolved itself into the committee of the whole Senate, to consider

Senate bill No. 26. A bill supplemental to an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries and for the regulation thereof," approved March 5, 1855,

Made the special order for to-day at 2 o'clock, P. M.

Mr. Murray in the chair.

And after spending some time in the consideration thereof, the committee rose, and through their chairman, made the following report :

MR. PRESIDENT :

The committee of the whole Senate, to whom was referred Senate bill No. 26, "a bill supplemental to an act entitled 'an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof,' approved March 5, 1855," have had the same under consideration, and have directed me to report progress and ask leave to sit again.

Which report was concurred in.

On motion by Mr. Wallace,  
The Senate adjourned.

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SATURDAY MORNING, 9 O'CLOCK, }  
December 18, 1858.

The Senate met.

Mr. Tarkington in the chair.

The Journal of yesterday was read.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Steele presented the petition of commissioners of the county of Parke, asking for an explanation of the law in regard to the fees of county treasurers.

On motion by Mr. Steele,

The petition was referred to the committee on county and township business.

The order of business was suspended, and  
On motion by Mr. Heffren,

*Resolved*, That the Superintendents of the Hospitals for the Insane, Deaf and Dumb, and Blind be requested to report the pay in mileage and per diem of each trustee thereof, stating in separate and distinct columns the number of days each trustee has received pay for, and the mileage of each for the years 1854, 1855, 1856, 1857 and 1858, and that if the same cannot be ascertained in time to report at the present session that they report at the regular session of this body.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Murray, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 43, "a bill to amend an act entitled 'an act to authorize the formation of new counties, and to change county boundaries,' approved March 7th, 1857," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT :

The committee on enrolled bills would report that they have compared the enrolled with the engrossed copy of Senate bill No. 11, "a bill in relation to ventilating, repairing and warming county prisons," and find the same correct.

Mr. Conner, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred resolutions of the Senate in reference to taking up the unfinished business of this session and acting upon it at the next regular session, in the order and at the stage in which it will be left on the adjournment of the special session, and of continuing the organization made at the commencement of the special session, have had the same under consideration, and have instructed me to report that on account of the

doubts entertained of the constitutionality of the measure, it is unwise and inexpedient to take up the business of this session in the order and at the stage it will be left at the adjournment of the special session at the next regular session; but recommend that the organization made at the commencement of the special session be continued.

Mr. Carnahan moved to lay the report on the table.

The ayes and noes being demanded by Senators March and Hill.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—24.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Kinley, March, Murray, Rice, Steele, Stevens, Thompson, Turner, Wagner and Weir—23.

So the report was laid on the table.

Mr. Slack, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate bill No. 66, "an act requiring parties in civil suits to advance the fees of sheriffs in the cases therein specified," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend that it be laid on the table.

Which report was concurred in.

Mr. Gooding, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, "instructing them to inquire into the expediency of providing by law for the payment of cost to justices of the peace and constables in criminal cases, and witnesses' fees to witnesses in criminal cases before justices of the peace, and in the

circuit court and court of common pleas, in all cases not now provided for by law, and report by bill or otherwise," have had the same under consideration, and have instructed me to report to the Senate that further legislation on the subject is inexpedient at this time.

Which report was concurred in.

Mr. Cravens, from the committee on education, made the following report :

MR. PRESIDENT :

The House bill No. 22, referred by the Senate to committee on education, "a bill providing for the re-appraisement of the unsold school lands in this State," has been fully considered by the committee, and after an amendment thereto, is herewith reported back and its passage recommended.

Which report was concurred in.

Mr. Wagner, chairman of the committee on county and township business, made the following report :

MR. PRESIDENT :

The committee on county and township business, to whom was referred a resolution of the Senate requesting them to inquire whether there is any law in force for the collection of road taxes, and if not, whether any legislation on the subject is expedient, have had the same under consideration, and directed me to report that by the second and fourth sections of chapter forty-three of the acts of 1855, the township trustee may levy such tax, and that the same may be collected as other township taxes, as provided in the first volume of Revised Statutes of 1852, page 490, section 15.

Which report was concurred in.

A message from His Excellency, the Governor, by Mr. Osborne, Executive Messenger :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has approved and signed the following bill :

Senate bill No. 11. A bill in relation to ventilating, repairing and warming county prisons.

Mr. Gooding, chairman of the committee on temperance, made the following report :



MR. PRESIDENT :

The committee on temperance, to which was referred Senate bill No. 33, "a bill for the protection of the Sabbath, with penalties for the violation thereof, and to repeal an act entitled 'an act for the protection of the Sabbath, and providing penalties for the desecration thereof,' approved February 28th, 1855," have considered the same, and directed me to report the same back to the Senate and recommend that the same be laid on the table, and accompanying bill reported as a substitute and in lieu thereof, and its passage recommended.

Senate bill No. 106. A bill to repeal section 2 of "an act for the protection of the Sabbath, and providing penalties for the desecration thereof," approved February 28th, 1855, contained in foregoing report,

Was read a first time and passed to a second reading on to-morrow.

Mr. Heffren, from a select committee, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate bill No. 74, "a bill for the better protection of religious meetings, agricultural fairs and other lawful assemblages of the people," have had the same under consideration, and have instructed me to report the same back with the following amendment, to be inserted in the proper place :

"Or any person who may be the owner or proprietor of any real property who shall rent or permit the same to be occupied for any such purpose," and when said amendment shall be adopted, recommend the passage of the bill.

Which report was concurred in.

#### RESOLUTIONS.

On motion by Mr. Turner,

*Resolved*, That the committee on the benevolent institutions be instructed to inquire into the expediency of reducing the number of trustees of said institutions, and providing that the same board have control of all said institutions, and report by bill or otherwise.

On motion by Mr. Steele,

*Resolved*, That the committee on county and township business inquire into and report to the Senate whether the law of 1855 in regard to the fees of county treasurers needs any amendment, so that the law may be construed uniformly throughout the State.

## JOINT RESOLUTIONS INTRODUCED.

By unanimous consent,  
Mr. Gooding introduced

Senate Joint Resolution No. 6. A joint resolution disapproving of the course of the Honorables Jesse D. Bright and Graham N. Fitch, in the Senate of the United States, on the Lecompton Constitution, and the removal of Hon. Stephen A. Douglas from the chairmanship of the committee on territories.

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,  
Mr. Jones introduced

Senate Joint Resolution No. 7. A joint resolution condemnatory of the President's removal of the Hon. Robert J. Walker from the Governorship of Kansas, and of the attempts of the President and Congress to force upon the people of that Territory the Lecompton Constitution, and denunciatory of certain principles promulgated by the Hon. Jesse D. Bright and Graham N. Fitch in the Senate of the United States, and approving the defense of Hon. S. A. Douglas of certain doctrine therein named.

Which was read a first time.

Mr. Gooding moved to suspend the rules and read the joint resolution a second time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Cravens, Culver, Gooding, Green, Hendry, Hill, Jones, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Wallace, Weir and Wilson—26. 27

*Those who voted in the negative were,*

Messrs. Carnahan, Craven, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Kinley, Line, Lomax, Miller, O'Brien, Odell, Shoemaker, Studabaker, Tarkington, and Williams—18.

So the rules were not suspended.

The President laid before the Senate the following communication and report from the Secretary of State :

*To the President of the Senate :*

SIR:—In reply to a resolution of the Senate requesting me to report to that body the amount of swamp lands deeded to each individual since the last session of the Legislature, &c., I have the honor to state that the only way to obtain the quantity of swamp land deeds since the last session in this office, would be by recurring to each patent recorded, which would be a tedious task, and cannot be done with the force employed in the office without great detriment to the current and regular business. It can be more easily and more satisfactorily obtained from the Auditor's office, I apprehend. The other information sought by the resolution is not in this office.

Respectfully,  
C. L. DUNHAM,  
*Secretary of State.*

Which,

On motion by Mr. Green,  
Was referred to the committee on swamp lands.

The President laid before the Senate the following communication from the Secretary of State :

INDIANAPOLIS, Dec. 18, 1858.

*To the Hon. President of the Senate :*

SIR:—In reply to a resolution of the Senate requesting the Secretary of State to inform the Senate by what authority his predecessor had printed with his annual report, &c., certain statistical matter, and the cost thereof, I would respectfully state that I know of no authority other than that stated by my honorable predecessor himself in the commencement of his said report; and as to the cost of printing the same, I apprehend the information would more properly be sought elsewhere, as from this office I can furnish no information except that which is contained in the laws regulating public printing, of which, I presume, the honorable Senate does not desire me to inform it.

Respectfully,  
C. L. DUNHAM,  
*Secretary of State.*

On motion by Mr. Green,  
The communication was referred to the committee on printing.

The order of business was suspended, and

Mr. Bobbs, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 41, "a bill in relation to the publication of legal advertisements," have had the same under consideration, and propose two amendments thereto, and when so amended, recommend its passage.

Amend section 1 by striking out "weekly newspaper" and insert in lieu thereof, "a weekly newspaper;" and amend the same section by striking out "daily newspapers" and insert "a daily newspaper," where they respectively occur.

Mr. Williams moved to concur in the report by striking out therefrom the words "a daily newspaper."

Mr. Bobbs called for a division of the question.

The question being, shall the report be amended?

The ayes and noes being demanded by Senators Williams and Heffren.

*Those who voted in the affirmative were,*

Messrs. Beeson, Carnahan, Cobb, Conley, Cravens, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McLean, Miller, O'Brien, Odell, Robinson, Shoemaker, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—33.

*Those who voted in the negative were,*

Messrs. Anthony, Blair, Bobbs, Brown, Green, March, Murray, Rice, Steele, Stevens and Wagner—11.

So the amendment was adopted.

On motion by Mr. March,  
The report was laid on the table.

The order of business was suspended, and

Mr. Wallace, from a select committee, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 91, "a bill regulating the choosing of United States Senators by the General Assembly, specifying the time, place and mode of such choosing, and providing for the designation of such Senators by the

voters of this State," have had the same under consideration, and instructed me to report it back to the Senate and recommend its passage, with the following amendment:

*First.* Strike out section 6 of the original bill and insert in its place the amended section, according to the instructions of the Senate.

*Second.* Amend section 7 so as to make it read:

"SEC. 7. The manner of such choosing by the General Assembly shall be by *viva voce* vote, taken by each House separately."

*Third.* Amend by making section 8 read at the beginning, as follows:

"SEC. 8. On the day following the day of such choosing by the General Assembly, upon a written report of the result which the presiding officer of each House is hereby required to furnish him for the purpose, the Governor shall make out," &c., following the next section.

Amend by striking out section 6 and inserting the following:

"SEC. 6. Such designation shall have the effect of an instruction to the General Assembly to carry out the popular will by choosing the person receiving the highest number of votes United States Senator, and the General Assembly shall, at 2 o'clock, P. M., on the second Tuesday of the session at which a Senator is to be chosen, proceed to choose a United States Senator."

*Fourth.* Add a section as follows:

"SEC. 11. This act shall take effect from and after its publication and distribution with the general laws of this session."

Which report was concurred in.

The order of business was suspended, and

Mr. Jennings offered the following resolution:

*Resolved*, That when the Senate adjourn that it adjourn until Monday next at 2 o'clock, P. M.

The ayes and noes being demanded by Senators Gooding and Wagner.

*Those who voted in the affirmative were,*

Messrs. Cobb, Culver, Fisk, Green, Hargrove, Heffren, Jennings, Johnston, Kinley, Line, McLean and Stevens—11.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Conley, Cravens, Craven, Gooding, Hamilton, Hendry, Hill, Jones, Lomax, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoe-

maker, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—32.

So the resolution was not adopted.

#### ORDERS OF THE DAY.

The Senate resumed the consideration of the report of the committee on the judiciary on Senate bill No. 57, pending at adjournment at 12 M., yesterday.

On motion by Mr. Murray,  
The bill was recommitted to the committee on the judiciary.

On motion by Mr. March,  
The following messages from the House were taken up :

A message from the House, by Mr. Ryan, Principal Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 79: A bill to provide for the re-location of county seats and for county buildings, where two-thirds of the voters of any county have petitioned for re-location, designating the site, and a house to be used as a court house, and where a deed has been executed, and to provide for the limitation of actions growing out of such re-location, and for the donation of the former county property.

In which the concurrence of the Senate is respectfully requested.

House bill No. 79, contained in the foregoing message,  
Was read a first time.

Mr. Shoemaker moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Craven, Fisk, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wallace, Williams and Wilson—37.

*Those who voted in the negative were,*

Messrs. Hamilton, Johnston and Robinson—3.

So the rules were suspended, and the bill read a second time by its title.

Mr. Cobb moved to amend the bill by adding :

SEC. 18. This act shall not be taken or considered as repealing any of the provisions of an act entitled "an act to provide for the relocation of county seats, and for the erection of public buildings in case of such re-location," approved March 2, 1855, to which this act is a supplement.

Mr. Johnston moved to amend the amendment by striking out from the bill the word "lawyers," and insert "competent persons."

On motion by Mr. Heffren,

The bill and pending amendment were referred to a select committee of three.

The President appointed Senators Carnahan, Cobb and Wilson said select committee.

A message from the House, by Mr. Ryan, Principal Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof :

House bill No. 62. A bill for the punishment of officers of elections for refusing or neglecting to receive votes of legal voters. Also,

House bill No. 9. A bill to prevent the circulation of unauthorized paper currency, and for the redemption of such as has been heretofore issued, or may hereafter be issued, and for punishing the violators of the provisions of this act.

In which the concurrence of the Senate is respectfully requested.

House bill No. 62, contained in the foregoing message,

Was read a first time, and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, Principal Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolutions :

*Resolved*, That the Senate is respectfully requested to return to this House, Senate bill No. 31.

*Resolved*, That this General Assembly will adjourn *sine die* on Wednesday the 22d inst.

*Resolved*, That the Clerk of this House inform the Senate of the passage of the foregoing resolutions, and that the concurrence of the Senate be respectfully requested.

The resolutions contained in the foregoing message, were laid on the table.

#### SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 52. A bill to render public officers competent to testify as witnesses in actions brought on their relation in the name of the State;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Blair, Bobbs, Brown, Cobb, Cravens, Craven, Fisk, Gooding, Green, Hendry, Hill, Jones, Kinley, McLean, March, Murray, O'Brien, Rice, Robinson, Steele, Studabaker and Wagner—23.

*Those who voted in the negative were,*

Messrs. Beeson, Carnahan, Conley, Hamilton, Hargrove, Heffren, Johnston, Lomax, Odell, Shoemaker, Thompson, Turner, Wallace, Williams and Wilson—15.

So the bill did not pass for want of a constitutional majority.

On motion by Mr. Heffren,  
The Senate adjourned.



2 O'CLOCK, P. M.

The Senate met.

By unanimous consent,  
Mr. Wagner introduced

Senate bill No. 107. A bill authorizing the Governor, Treasurer and Auditor of State to borrow from the Board of Sinking Fund Commissioners money to pay, wholly or in part, the interest on the foreign debt of the State, due January 1st, 1859.

Which was read a first time.

Mr. Wagner moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Weir and Williams  
—37.

Senator Studabaker voting in the negative.

So the rules were suspended and the bill read a second time by its title, and

On motion,  
Referred to a special committee of five.

The President appointed Messrs. Cravens, Gooding, Carnahan, Murray and Wagner said select committee.

The order of business was suspended, and

Mr. Williams moved to reconsider the vote making joint resolution No. 1 special order of business for Tuesday, December 28th, at 10 o'clock.

Which was agreed to.

On motion by Mr. Heffren,  
Said joint resolution was laid on the table.

On motion by Mr. Green,  
A call of the Senate was ordered.

The Secretary proceeded with the call,  
Whereupon,  
The following Senators answered to their names :

Messrs. Anthony, Beeson, Blair, Brown, Carnahan, Cobb, Conley, Cravens, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, and Williams—39.

On motion by Mr. Green,  
The further call of the Senate was dispensed with.

#### HOUSE BILLS ON THEIR SECOND READING.

House bill No. 11. A bill repealing the second section of an act entitled "an act to authorize the formation of new counties, and to change county boundaries," approved March 7th, 1857 ;

Was read a second time ; and

On motion by Mr. Wagner,  
The bill was referred to a select committee of five.

The President appointed Senators Wagner, Murray, Heffren, Rice and Weir said select committee.

House bill No. 36. A bill to amend the first section of an act entitled "an act providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished," approved February 12th, 1855, to authorize the court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned or special terms, and of prosecuting attorneys while in attendance upon the same ;

Was read a second time, and

On motion,  
Referred to the committee on the judiciary.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 97. A bill to provide for the partition of real estate and for laying the same off in lots, streets and alleys, and for the sale thereof, and also for the period when the same shall take effect ;

Was read a second time, and

On motion,  
Ordered to be engrossed.

The order of business was suspended, and  
The following bill, to-wit :

House bill No. 9. A bill to prevent the circulation of unauthorized paper currency, and for the redemption of such as has been heretofore issued, or may hereafter be issued, and for punishing the violation of the provisions of this act, contained in a House message of this morning, taken up.

Mr. Murray, chairman of the committee on the organization of courts, made the following report :

MR. PRESIDENT :

The committee on the organization of courts, to which was referred Senate bill No. 24, "a bill to authorize the empannelling of petit jurors in the court of common pleas, and to repeal an act therein named," with the consent of the Senator presenting the bill, beg leave to report the bill back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

On motion by Mr. Wagner,

The Senate resolved itself into committee of the whole Senate for the consideration of Senate bill No. 26, reported from the same committee on yesterday, with leave to sit again.

Mr. Cravens in the chair.

And after spending some time in the consideration thereof, the committee rose, and through their chairman, made the following report :

MR. PRESIDENT :

The committee of the whole Senate, to whom was referred Senate bill No. 26, "a bill supplemental to an act entitled 'an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof,' approved March 5, 1855," have had the same under consideration, and have directed me to report the bill back to the Senate and ask leave to be discharged from the further consideration of the subject.

Which report was concurred in.

The order of business was suspended, and

Mr. March, chairman of the committee on the judiciary, made the following report :

S. J.—17.

MR. PRESIDENT :

The committee on the judiciary, to whom was referred joint resolution of the Senate, No. 4, in reference to the claim of the State against Allen May, with a proposed amendment, with instructions to inquire whether Messrs. Bright & Drake had been duly notified of the protest of their drafts upon Allen May and endorsed by themselves, in the hands of the Attorney General for collection, with authority to send for persons and papers, have had the same under consideration, and after investigating the facts, have unanimously directed me to report that in the opinion of the committee, said Bright and Drake had due notice of the protest of said draft and are liable thereon; and the same is reported back for the action of the Senate.

Which report was concurred in.

Mr. Gooding, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 50, "a bill to amend the 207th and 208th sections of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18th, 1852," so as to authorize a change of venue in certain cases, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, with the following amendments :

Add after the fourth clause and the word "fifth," these words, "showing by affidavit to the satisfaction of the court."

Strike out all after the fifth clause of change of venue.

Which report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Weir,  
The Senate adjourned.

MONDAY MORNING, 9 o'clock, }  
December 20, 1858. }

The Senate met.

The Journal of yesterday was read.

#### RESOLUTIONS.

On motion by Mr. Turner,

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of reducing the salary of the trustee of the Wabash and Erie Canal, and report by bill or otherwise.

On motion by Mr. Beeson,

*Resolved*, That the Auditor of State be requested, at as early a day as possible after the commencement of the next Legislature, to inform the Senate what amount has been paid out in the last four years, and to whom paid, for draining swamp lands, what number of acres, to whom sold, at what price per acre, and the amount received for the same, and what number of certificates and patents have been issued for the same, and to whom issued.

#### ORDERS OF THE DAY.

##### *House Bills on their Second Reading.*

Hosue bill No. 62. A bill for the punishment of officers of election for refusing or neglecting to receive votes of legal voters;

Was read a second time, and passed to a third reading on to-morrow.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 98. A bill to provide for the collection of taxes assessed against lands and lots mortgaged to secure loans made of the Sinking Fund, Surplus Revenue Fund, Saline Fund, Seminary Fund, College Fund, and any other public or trust fund, to prevent loss of the securities held by said funds, and to repeal the 8th section, of chapter 6, of the Revised Statutes of 1852;

Was read a second time, and ordered to be engrossed.

Senate bill No. 99. A bill to extend to borrowers of Sinking

Fund, Saline Fund, College Fund, and other funds, time for payment of their loans and prescribing the duties of proper officers ;

Was read a second time, and ordered to be engrossed.

Senate bill No. 100. A bill to amend section 1, of chapter 71, volume 1, Revised Statutes, approved May 31st, 1852 ;

Was read a second time, and

On motion,

Referred to the committee on agriculture.

Senate bill No. 102. A bill to continue the present board of Sinking Fund Commissioners, consisting of a President and four Commissioners, and one Clerk, from the first of January, 1859, to the first Monday of April, 1859, and until their successors are elected and qualified ;

Was read a second time.

Mr. Steele moved to suspend the rules, consider the bill as engrossed, and read the same a third time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Fisk, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Johnston, Kinley, Line, Lomax, McLean, March, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—  
37.

No Senator voting in the negative.

So the rules were suspended, and the bill read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Fisk, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Johnston, Kinley, Line, Lomax, McLean, March, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—  
—37.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

The order of business was suspended, and

Mr. Line, from the committee on education, made the following report :

MR. PRESIDENT:

I am directed by the committee on education to report herewith a bill of which the following is its title, "a bill authorizing the payment of school money retained in county treasury by injunction of court," and to recommend its passage.

Which report was concurred in, and  
Senate bill No. 108, contained in the foregoing report,  
Was read a first time.

Mr. Line moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Beeson, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Fisk, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Johnston, Kinley, Line, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson  
—37.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Line,  
The bill was referred to the committee on the judiciary.

Senate bill No. 103. A bill relative to the salaries of supreme and circuit judges, and prosecuting attorneys;  
Was read a second time.

Mr. March moved to amend the bill so as to fix the salary of the Supreme Judges at fifteen hundred dollars per year, and that of the Circuit Judges at twelve hundred dollars per year.

Mr. Wagner moved to amend the amendment so as to increase the fees of Justices of the Peace on hundred per cent.

Mr. Hamilton moved to lay the amendment and the amendment to the amendment on the table.

Mr. Green called for a division of the question.

The question being, shall the amendment to the amendment lay on the table?

The ayes and noes being demanded by Senators Wagner and Weir.

*Those who voted in the affirmative were,*

Messrs. Beeson, Bobbs, Brown, Cobb, Cravens, Fisk, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Johnston, Kinley, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Thompson, Wallace, Weir, Williams and Wilson—33.

*Those who voted in the negative were,*

Messrs. Blair, Carnahan, Conley, Line and Wagner—5.

So the motion to lay the amendment to the amendment on the table prevailed.

The question being shall the amendment be laid on the table?

The ayes and noes being demanded by Senators March and Johnston,

*Those who voted in the affirmative were,*

Messrs. Brown, Conley, Cravens, Fisk, Gooding, Hamilton, Heffren, Miller, Murray, O'Brien, Odell, Wallace and Weir—13.

*Those who voted in the negative were,*

Messrs. Beeson, Blair, Bobbs, Carnahan, Cobb, Green, Hendry, Hill, Johnston, Kinley, Line, Lomax, McLean, March, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—25.

So the amendment was not laid on the table.

Mr. Murray moved to amend the amendment by making the salaries of supreme and circuit judges fifteen hundred dollars per annum, and the salary of prosecuting attorneys of circuit court six hundred dollars per annum.



Mr. Tarkington moved to lay the bill and pending amendments on the table.

Mr. Hendry called for a division of the question.

The question being shall the amendment to the amendment be laid on the table?

The ayes and noes being demanded by Senators Murray and Hendry,

*Those who voted in the affirmative were,*

Messrs. Beeson, Blair, Bobbs, Brown, Conley, Cravens, Fisk, Green, Hamilton, Heffren, Hill, Johnston, Kinley, Lomax, McLean, March, Miller, O'Brien, Rice, Robinson, Shoemaker, Studabaker, Tarkington, Turner, Wallace, Williams and Wilson—27.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Gooding, Hendry, Line, Murray, Odell, Steele, Thompson, Wagner and Weir—11.

So the amendment to the amendment was laid on the table.

The question being shall the bill and pending amendment be laid on the table?

The ayes and noes being demanded by Senators Johnston and Heffren,

*Those who voted in the affirmative were,*

Messrs. Bobbs, Brown, Carnahan, Cobb, Conley, Fisk, Hendry, Johnston, Line, Lomax, Murray, Rice, Robinson, Tarkington, Thompson, Turner, Wagner, Wallace and Wilson—19.

*Those who voted in the negative were,*

Messrs. Beeson, Blair, Cravens, Gooding, Green, Hamilton, Heffren, Hill, Kinley, McLean, March, Miller, O'Brien, Odell, Shoemaker, Steele, Studabaker, Weir and Williams—19.

The President voted in the affirmative.

So the bill and pending amendment was laid on the table.

#### HOUSE BILLS ON THEIR SECOND READING.

House bill No. 9. A bill to prevent the circulation of unauthor-

ized paper currency, and for the redemption of such as has been heretofore issued, and for punishing the violation of the provisions of this act;

Was read a second time.

Mr. March moved to amend the bill by adding the following :

SEC. —. *Be it further enacted*, That any person who shall, knowingly, exchange, barter, sell, or put away for valuable consideration, any bank note or bill, drawn on or by any bank of any State, knowing such bank at the time to have suspended specie payments or to be broken, without disclosing such knowledge to the person receiving such bill or note, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than ten nor over one thousand dollars.

Mr. Weir moved to further amend the bill as follows :

Amend by striking out the word “ solvent ” wherever it occurs in section 4.

Strike out all of section 6.

By adding the following sections: Nos. 8, 9, 10, 11, 12 and 13.

Also amend the title as herein provided.

SEC. 8. Nothing in this act shall be so construed as to prevent private bankers, or banker, and broker or brokers from continuing their business as usual, and receiving deposits of money or currency, and issuing certificates to depositors thereof according to the customs of the country.

SEC. 9. Whenever any private banker or bankers, or any broker or brokers, or any individual or firm, or any member of any firm or company, or association not authorized by the laws of this State to issue bank notes, and to do a general banking business, who shall hereafter receive, or has heretofore received deposits from any person or persons, or of any firm or members thereof, or of any company or association, of money or currency, and shall after the expiration of sixty days after the demand therefor after the same is due fail to pay the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars, to which may be added imprisonment in the county jail not exceeding sixty days; *Provided*, That this act shall not apply when the depositor is by agreement to receive interest on the same.

SEC. 10. Whenever the officers of any bank or banks authorized by the laws of this State to issue bank bills in the similitude of bank notes for circulation, and to do a general banking business, shall fail to redeem any one or more of their said bills or notes issued by them, on presentation for and a demand of redemption, the officers of said

bank, including the president, cashier, and the directors, shall each be deemed guilty of a misdemeanor for each and every failure to redeem, on each and every presentation and refusal, and upon conviction thereof, shall be fined not less than fifty dollars nor more than one thousand dollars for each and every offense, to which may be added imprisonment in the county jail not exceeding thirty days, after the conviction of the first offense.

SEC. 11. Whenever the officers of any bank authorized by the laws of this State to issue bank notes and do a general banking business, shall receive deposits of money or currency from any person or persons, or any firm or members thereof, or any company or association, and shall fail to pay the same after sixty days after a demand after the same is due, the officers of such bank, including the president, cashier, and directors, shall each be guilty of a misdemeanor, and for each and every offense in so failing to pay, and shall, upon conviction thereof, be fined in any sum not less than one hundred dollars nor more than one thousand dollars for each and every offense, to which may be added imprisonment in the county jail not exceeding thirty days; *Provided*, That this shall not apply when the depositor is by agreement to receive interest on the same.

SEC. 12. Any president, cashier, or directors of any bank or banks authorized by the laws of this State to issue bank notes and do a general banking business, and who have heretofore, while doing business as such, received deposits of money or currency of any person or persons, or of any firm, or member or members thereof, or of any company or association, and failed to pay the same, such officers, including the president, cashier and directors, shall, after the expiration of sixty days after a demand after the same is due and a failure to pay, be deemed guilty of a misdemeanor, and upon conviction thereof, shall each be fined in any sum not less than one hundred nor more than one thousand dollars.

SEC. 13. In all prosecutions under this act the same may be prosecuted against defendants jointly or severally, as the prosecuting attorney may elect.

Amend title as follows :

"An act to prevent the issue and circulation of unauthorized paper currency, and to provide for the redemption of such as has been heretofore issued or may hereafter be issued for circulation, and for the protection of depositors with bankers and brokers, and to compel the redemption of bank notes, and the payment of deposits under penalties, and providing for the punishment of bankers and brokers, and others violating the provisions of this act.

Mr. Hamilton moved the following additional amendment :

SEC. —. *Be it further enacted*, That any individual or individuals composing any firm or firms, who shall refuse to pay any promissory

note, with the interest thereon, when the same is due and payment demanded, and every attorney or other collector of money who shall fail to pay over to the proper person or persons authorized to receive the same, if they reside in the State of Indiana, within ten days after said moneys come into his hands, and if out of the State, within twenty days, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than two hundred nor more than one thousand dollars.

On motion by Mr. Heffren,

The bill and pending amendments were referred to a select committee of five.

The President appointed Senators Heffren, Tarkington, Jones, Kinley and Culver said select committee.

#### SENATE BILLS ON SECOND READING.

Senate bill No. 104. A bill to amend the 18th section of an act entitled "and to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9th, 1857;

Was read a second time; and

On motion,

Laid on the table.

Senate bill No. 106. A bill to repeal section 2 of "an act for the protection of the Sabbath, and providing penalties for the desecration thereof," approved February 28th, 1855;

Was read a second time.

Mr. Heffren moved to amend the bill so as to repeal the 1st section of the law of 1855, as well as the second.

Mr. Murray moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Gooding and Murray.

*Those who voted in the affirmative were,*

Messrs. Beeson, Blair, Bobbs, Carnahan, Cobb, Conley, Cravens, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Stecle, Studabaker, Tar-

kington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—38.

Mr. Heffren voting in the negative.

So the amendment was laid on the table.

On motion by Mr. Green,  
The bill was referred to a select committee of five.

The President appointed Senators Green, Hendry, Hill, Line and Lomax said select committee.

Mr. Heffren moved to instruct the committee to so amend the bill as to protect those who observe the seventh day of the week as the Sabbath.

Pending which,  
On motion by Mr. Conley,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The Senate resumed the consideration of the instructions of Mr. Heffren to the select committee having charge of Senate bill No. 106, pending at adjournment.

The instructions were not agreed to.

Mr. Wallace moved to suspend the order of business and take up the message of His Excellency, the Governor, accompanying the return of Senate bill No. 28 to the Senate.

On motion by Mr. Murray,  
A call of the Senate was ordered.

The Secretary proceeded with the call,  
Whereupon,  
The following Senators answered to their names :

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—48.

Mr. Craven was excused.

On motion by Mr. Heffren,  
The further call of the Senate was dispensed with.

The order of business was not suspended.

On motion by Mr. Cravens,  
The order of business was suspended, and

Mr. Cravens, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 107, "a bill authorizing the Governor, Treasurer and Auditor of State to borrow from the Board of Sinking Fund Commissioners money to pay, wholly or in part, the interest on the foreign debt of the State, due January 1st, 1859," have had the same under consideration, and directed me to report the same back to the Senate, and recommend its passage, for the following reasons :

*First.*—The existence of doubts as to the power of the present executive officers of State to negotiate a loan for the purposes contemplated in the constitution.

*Second.*—The immediate necessity of providing the means for meeting and liquidating the interest on the foreign debt of the State, maturing on the first day of January, 1859.

*Third.*—The propriety of domesticating, so far as practicable, the public debt, and especially so much thereof as may be necessarily incurred in providing for the accruing interest of said debt.

As to the first of the above enumerated reasons it is sufficient, if a reasonable doubt exists as to the power for immediate action on the part of the General Assembly ; for, if deemed advisable on the part of the officers of State, upon whom is devolved the duty of providing for the protection of the public credit and honor, to offer her

securities in the money markets of the country, it is essential that every facility which wise and prudent legislation can supply should at once and without unreasonable delay be afforded.

In anticipation of the unavoidable delay incident to the hasty enactment of measures and interruptions consequent upon the preparation of the necessary forms of the security, as well as unforeseen contingencies that might render it impossible for the officers of State to provide in time for the payment of the semi-annual instalment of interest maturing on the first of January next, your committee have sought and obtained the information that the board of sinking fund commissioners can command the amount now demanded to protect the honor of the State, and will provide for the same if required by law to do so.

Which report was concurred in.

Mr. Cravens moved to consider the bill as engrossed and read the same a third time now.

Which was agreed to ; and

The bill was read a third time.

Mr. Heffren moved to recommit the bill with instructions to strike out the words "commissioners of the sinking fund," and to so amend the bill as to specifically provide for the re-payment of the loan.

Mr. Wilson moved to lay the instructions on the table.

The ayes and noes being demanded by Senators Weir and Heffren.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Culver, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Jones, Kinley, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—37.

*Those who voted in the negative were,*

Messrs. Conley, Fisk, Heffren, Jennings, Johnston, Line, Lomax, McClure, Miller, Slack and Studabaker—11.

So the instructions were laid on the table.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hill, Jones, Kinley, Line, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Steele, Stevens, Tarkington, Turner, Wagner, Weir, Williams and Wilson—36.

*Those who voted in the negative were,*

Messrs. Heffren, Hendry, Jennings, Johnston, Lomax, McClure, Miller, Shoemaker, Slack, Studabaker, Thompson and Wallace—12.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

A message from the House, by Mr. French, an Assistant Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee on free conference on Senate bill No. 3. A bill to provide for the appraisement of real estate, prescribing the duties of officers in relation thereto.

A message from the House, by Mr. French, an Assistant Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to present to the Senate, for the signature of the President, the following enrolled bills of the House, viz :

House bill No. 39. An act to regulate the collection of judgments and the sale of property on execution against any sheriff, constable or other public officer, administrator, guardian, executor or any other person or corporation receiving or holding money in a fiduciary capacity, or the securities of any or either of them.

House bill No. 23. An act to repeal an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855.

House bill No. 32. An act to repeal an act entitled "an act au-



thorizing the State of Illinois to maintain the Calumet Feeder Dam, and securing the use of the waters of the Calumet River, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet River in the State of Indiana," approved March 7th, 1857.

House bill No. 43. An act to authorize churches to form a union, assume a new name, appoint trustees, and enable them to receive conveyances of lands and donations of personal property.

House bill No. 73. An act to raise a revenue for State purposes for the years 1859 and 1860.

House bill No. 19. An act to secure the service of process in actions against corporations created by the General Assembly of this State, which have no offices or persons doing business in the counties, and have exercised corporate powers.

House bill No. 38. An act legalizing the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken and certified by the clerks of the circuit and common pleas courts of this State, after the reception of the Revised Statutes of 1852 in their respective counties.

Mr. Turner, chairman of the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills beg leave to report that they have examined the enrolled copy of Senate bill No. 3, "a bill to provide for the reappraisement of real estate, and prescribing the duties of officers in relation thereto," and find the same correct.

Senate bill No. 105. A bill to provide for the infliction of punishment where more than one conviction has been had against the same individual, at any one term of any of the courts of this State for a violation of the criminal laws thereof ;

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

On motion by Mr. Tarkington,

The order of business was suspended, and

Senate bill No. 85. A bill to prohibit the issue of unauthorized paper currency, and broken bank bills, and prescribing the punishment therefor,

Was taken from the table.

Leave being granted,  
On motion by Mr. Wallace,

*Resolved*, That the committee on finance be instructed to return to the Senate, joint resolution No. 3, by to-morrow morning.

On motion by Mr. Carnahan,  
The Senate adjourned.

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TUESDAY MORNING, 9 o'clock, }  
December 21, 1858. }

The Senate met.

The Journal of yesterday was read.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Rice, chairman of the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance, to whom was referred Senate Joint Resolution No. 3, "a joint resolution touching the indebtedness of the State Bank of Indiana to the State, and appointing a joint committee to make certain investigations concerning the interests of the State in said bank," have had the same under considered, and have directed me to report it back to the Senate for its action.

Mr. Stevens moved to concur in the report of the committee, with the following amendment :

Amend so as to make it the duty of the sinking fund board to examine and report to the next General Assembly.

Mr. Stevens moved to lay the report, joint resolution and pending amendment on the table.

The ayes and noes being demanded by Senators Wallace and Murray.

*Those who voted in the affirmative were,*

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Culver, Green, Hamilton, Heffren, Hill, McClure, McLean, Murray, Rice, Steele, Stevens, Studabaker, Turner and Wagner—20.

*Those who voted in the negative were,*

Messrs. Anthony, Carnahan, Cobb, Conley, Cravens, Fisk, Gooding, Hargrove, Hendry, Jennings, Johnston, Kinley, Line, Lomax, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Tarkington, Thompson, Wallace, Weir, Williams and Wilson—27.

So the motion to lay on the table was not agreed to.

On motion by Mr. Johnston,  
The amendment was laid on the table.

Mr. Cravens moved to amend the joint resolution as follows:

*Be it also further resolved,* That it shall be and is hereby made the duty of said committee to investigate and report upon the condition of the several State offices through which the public moneys may pass, and to report thereon as herein provided.

Amend the title by adding:

“And providing for the investigation of, and report upon the condition of the other offices of State.”

Mr. Johnston moved to further amend so as to include the amount and condition of all the school funds properly belonging to the State.  
Which was not agreed to.

The question being, shall the amendment be adopted?

The ayes and noes were demanded by Senators Conley and Wallace.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—49.

No Senator voting in the negative.

So the amendment was adopted.

S. J.—18.

Mr. Heffren moved to consider the joint resolution as engrossed and that it be read a third time now.

Which was agreed to; and

The joint resolution was read a third time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—50.

No Senator voting in the negative.

So the joint resolution passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Cravens,

The order of business was suspended, and

The following message from His Excellency, the Governor, was taken up:

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to return to the Senate Senate bill No. 28, with his objections thereto.

*Gentlemen of the Senate:*

I return to you enrolled bill of the Senate No. 28, entitled "an act to prescribe the time, place and manner of electing United States' Senators, and to fix the penalty upon officers failing to certify to said election."

It is to be regretted that there should be any necessity for State legislation on this subject.

The constitution of the United States confers upon Congress full power to regulate the time and manner for choosing Senators. The authors of that constitution anticipated that confusion might arise from the conflicting rules of the States—that even some States might decline entirely to be represented in the Senate.

The result of the failure of Congress to exercise the power conferred upon it, has been that conflicting rules and regulations have been adopted in reference to the manner of elections, to such an extent that it is now apparent that no uniform rule can be adopted on the subject until Congress executes the provision of the Constitution to which I have before alluded.

But since Congress has failed to pass any law upon the subject, and inasmuch as there is no rule provided by the Legislature of the State, I regard it as highly proper that one should be established.

But in establishing the regulation which shall prevail in the future, would it not be wise to so make it, that hereafter, we may avoid all difficulty on the subject? You are not unmindful of the history of this question in the State. Frequently the election of United States Senators has been the all absorbing question before the Legislature, and for this reason great public interests have been neglected, domestic legislation, in which the welfare of the State, and the happiness of her people were involved, have been disregarded. The differences of opinion between the two Houses of the General Assembly, as to the propriety of elections, and the persons to be chosen, have been so great, that at sometimes no election has been had, and our State for years in part been unrepresented in the United States Senate. I make no inquiry as to who has done right or wrong in these various conflicts.

Each individual who has been an actor in the scenes is responsible for the part he has taken to the constituency he represented, and in a free government, like our own, an intelligent and patriotic people will give to each his just reward or punishment, as his conduct may deserve.

More harmony will prevail in your deliberations, less excitement be occasioned among the constituents you represent, should a law be passed that placed it beyond the power of either House of the General Assembly, by its separate action to defeat an election of United States Senators.

Section 2d of the bill you have passed requires that a majority of the whole number of the members of the Senate, and a majority of the whole number of the members of the House shall be necessary to designate the Senator. If such majority of each branch of the General Assembly could be procured, it would be a simple mode of election. But the history of the State shows that in times past, on several occasions, no such concurrent majority could be procured; and for that reason the State has been without her proper representation in the Senate.

It is desirable that at all times, Indiana should have her full constitutional delegation in the Senate; and the Legislature should endeavor to place it there, if it can be done without doing violence to our Constitution. The practice heretofore has been to require a majority of the General Assembly to choose the Senators.

It has been sometimes impossible to bring the Houses together

so that a vote could be obtained. If the law provided for the creation of a joint convention, or any other mode of election whereby a majority of the General Assembly could elect the Senators, so far as the mode and manner of election is concerned, it would command my approval. But there are provisions in the bill which, in my judgment, are in conflict with the Constitution of the State.

Section 3d of the bill prescribes the duties of the President and Secretary of the Senate, the Speaker and Clerk of the House of Representatives and the Secretary of State, and section 5 declares that a failure, neglect or refusal of any of the above named officers, or either of them, to perform the duties to them assigned, shall render them guilty of a misdemeanor and subject them to the penalty of a fine.

The 19th section of article 4 of the Constitution of the State provides that "every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title."

The Supreme Court of the State in the case of the Indiana Central Railway Co. *v.* Potts and others, 7th Indiana Reports 681, have construed this section of the Constitution. They held that provision for a criminal prosecution cannot be included in a civil act. The court has fully discussed this section of the Constitution, showing the reasons why and the necessity for its adoption. Section 20 of the same article declares that the General Assembly shall not pass local or special laws for the punishment of crimes and misdemeanors. This bill provides that the officers of the Legislature, chosen by each branch, shall be guilty of a misdemeanor in the special case there named, while in no way held responsible for any other dereliction of duty. The only way in which they can be punished is by a general act, making it an offense to refuse to obey the orders of the House where said officers are elected.

Again, the bill provides that the Secretary of State shall attach the seal of State to the certificates of elections, and upon failure thus to do he shall be guilty of a misdemeanor. I know of no section of the Constitution which gives to the Secretary control of the seal of the State. Section 5 of article 15 of the Constitution provides that there shall be a seal of State, kept by the Governor, which shall be called "the seal of the State of Indiana." It would be manifestly unjust to punish that officer for failing to perform an act not in his power. But if the seal of the State was intrusted to his keeping, and he alone required to impress it as an evidence of the official action of the Legislature, a failure on his part to obey the direction of the Legislature gives to that body no power to punish him by either fine or imprisonment. Section 1 of article 6 of the Constitution provides that "there shall be elected by the voters of the State a Secretary, an Auditor and a Treasurer of State, who shall severally hold their offices for two years. They shall perform such duties as may be enjoined by law." Section 7

of the same article provides that "all State officers shall, for crime, incapacity or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly, two-thirds of the members elected to each branch voting in either case therefor."

The Secretary of State holds an office created by the Constitution. He is elected by the people to discharge the duties assigned to him by the Constitution and the laws of the State. He is required to take his oath of office, that he will obey the Constitution and discharge his duties. If by any act of his personal wrong is done to a citizen, the remedy for that wrong is upon his official bond. If he is guilty of a crime or misdemeanor, for the punishment of which the criminal or penal code of the State provides, he is liable to be punished upon information or indictment. But for a failure to discharge his official duties he can only be punished in accordance with the provision of the Constitution, as heretofore set forth in section 7, of article 6—that is, by impeachment or removal from office. The people of the State, in the adoption of the section above mentioned, provided the means whereby the officers of State, by them chosen, should be punished for official negligence. They conferred upon the General Assembly the power to arraign such officers before them, and depose them for a failure to discharge their duties. They never did confer upon the General Assembly the power to punish, in a court of justice, any of the State officers above mentioned for failure to perform any of the duties assigned them by law. They gave to every officer of State the same right as they did to every member of the General Assembly, after taking his oath to support the Constitution of the State, according to his own judgment—to put his construction thereon. They provided no punishment except that of expulsion for neglect of duty on the part of a member of the General Assembly, of which negligence the House to which he belonged could alone decide, and of the negligence of an officer of State they provided that the General Assembly could alone decide. Therefore, the provision of this bill which subjects the Secretary of State to punishment for a neglect to execute your commands, I regard as clearly in violation of the Constitution.

For these reasons I cannot approve the bill.

ASHBEL P. WILLARD.

The question being, shall the bill pass, the objections of the Governor to the contrary notwithstanding?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—23.

Mr. Gooding was present, and was excused from voting.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

A message from the Governor, by Mr. Osborne, Executive Messenger :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has approved and signed the following bills :

Senate bill No. 3. An act to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto.

House bill No. 39. An act to regulate the collection of judgments and the sale of property on execution against any sheriff, constable or other public officer, administrator, guardian, executor or any other person or corporation receiving or holding moneys in a fiduciary capacity, or the securities of any or either of them.

House bill No. 23. An act to repeal an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855.

House bill No. 38. An act legalizing the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken and certified by the clerks of the circuit and common pleas courts of this State, after the reception of the Revised Statutes of 1852 in their respective counties.

House bill No. 43. An act to authorize churches to form a union, assume a new name, appoint trustees, and enable them to receive conveyances of lands and donations of personal property.

House bill No. 32. An act to repeal an act entitled "an act authorizing the State of Illinois to maintain the Calumet Feeder Dam, and securing the use of the waters of the Calumet River, and providing the manner of assessing damages sustained by the citizens of



Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet River in the State of Indiana," approved March 7th, 1857.

House bill No. 73. An act to raise a revenue for State purposes for the years 1859 and 1860.

House bill No. 19. An act to secure the service of process in actions against corporations created by the General Assembly of this State, which have no officer or persons doing business in the counties, and have exercised corporate powers.

On motion by Mr. Cravens,  
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The President laid before the Senate the following communication from the Superintendent of the Hospital for the Insane :

INDIANA HOSPITAL FOR INSANE, }  
Indianapolis, Dec. 20th, 1858. }

Hon. A. A. HAMMOND,

*President of the Senate :*

SIR:—In reply to the resolution of the Senate requesting the Superintendent to report the pay in mileage and per diem for each (trustee) commissioners of this institution for the years 1854, 1855, 1856, 1857 and 1858, herewith transmit a statement in tabular form, giving the name and residence of each member of the board, with the per diem and mileage allowance for services.

I have the honor to be,

Very respectfully, yours,

JAMES S. ATHON,

*Superintendent.*

*TABLE Showing the per diem and mileage of the Commissioners of the Indiana Hospital for the Insane for the years 1854 to 1858, inclusive.*

Nam's of the Board of Commissioners.	County in which each member resides.	Years of Service.	No. of days served during the year.	Amount paid per diem.	No. of miles travel.	Amount paid as mileage.	Amount paid each member per annum.	Total amount paid each member for the years 1854, '55, '56, '57 and '58.
James Richey.....	Johnson.....	1854	24	\$48 00	552	\$33 12	\$51 12	
do .....	do .....	1855	22	44 00	552	33 12	77 12	
do .....	do .....	1856	32	64 00	736	44 16	168 16	
do .....	do .....	1857	40	80 00	920	55 20	135 20	
do .....	do .....	1858	32	64 00	966	57 96	121 96	\$523 50
Samuel Grimes.....	Carroll.....	1854	40	80 00	1700	162 00	182 00	
do .....	do .....	1855	42	84 00	1700	162 00	186 00	
do .....	do .....	1856	48	96 00	2040	122 40	223 40	
[Extra for buggy hire].....	do .....					5 00		
do .....	do .....	1857	84	168 00	3570	214 20	382 20	
do .....	do .....	1858	57	114 00	3230	193 80	307 80	1,281 40
E. J. Peck.....	Marion.....	18 4	31	62 00			62 00	
do .....	do .....	1855	31	62 00			62 00	
do .....	do .....	1856	24	48 00			48 00	
do .....	do .....	1857	11	22 00			22 00	
do .....	do .....	1858	11	22 00			22 00	216 00
James Blake .....	do .....	1854	3	6 00				6 00
Henry Brady.....	do .....	1854	15	30 00			30 00	
do .....	do .....	1855	17	34 00			34 00	
do .....	do .....	1856	16	32 00			32 00	
do .....	do .....	1857	34	68 00			68 00	
do .....	do .....	1858	55	59 00			50 00	214 00
Henry F. West.....	do .....	1854	18	36 00			26 00	
do .....	do .....	1855	20	40 00			40 00	
do .....	do .....	1856	13	26 00			26 00	102 00
Wm. H. Tallbott.....	do .....	1854	32	64 00			64 00	
do .....	do .....	1855	32	64 00			64 00	
do .....	do .....	1856	29	58 00			58 00	
do .....	do .....	1857	16	32 00			32 00	
do .....	do .....	1858	20	40 00			40 00	258 50
C. C. Campbell.....	do .....	1857	34	68 00			68 00	
do .....	do .....	1858	26	52 00			52 00	120 00

Which was referred to the committee on benevolent institutions.

The President laid before the Senate the following communication :

INSTITUTION FOR THE DEAF AND DUMB, }  
December 20th, 1858.

HON. A. A. HAMMOND,

*President of the Senate:*

SIR:—Through you, in answer to a resolution of the Senate, passed December 18th, calling upon the Superintendent of this Institution for information in relation to the per diem and mileage paid the trustees thereof, I have the honor to submit the following statement.

All of which is respectfully submitted,

T. MAC INTYRE,

*Superintendent.*

*TABLE Showing the per diem and mileage of the Trustees of the Institution for the Deaf and Dumb, from the years 1854 to 1858, inclusive.*

NAMES OF TRUSTEES.	No. Days.	Per diem.	Mileage.	Amount paid to each trustee.	Total.
1853.					
W. J. Brown.....	12	\$24 00	.....	\$24 00	\$69 10
L. H. Jameson.....	4	8 00	.....	8 00	
J. S. Spann.....	4	8 00	.....	8 00	
Julius Nicolai.....	4	8 00	.....	8 00	
J. P. Drake.....	2	4 00	.....	4 00	
J. Walker.....	2	4 00	\$7 20	11 20	
L. B. Stockton.....			5 90	5 90	
1853-54.					
W. J. Brown.....	9	18 00	.....	18 00	117 36
L. H. Jameson.....	6	12 00	.....	12 00	
J. S. Spann.....	8	16 00	.....	16 00	
Julius Nicolai.....	14	28 00	.....	28 00	
J. P. Drake.....	6	12 00	.....	12 00	
L. B. Stockton.....	4	8 00	23 36	31 36	
1854-55.					
W. J. Brown.....	2	4 00	.....	4 00	79 72
L. H. Jameson.....	4	8 00	.....	8 00	
J. S. Spann.....	5	10 00	.....	10 00	
Julius Nicolai.....	5	10 00	.....	10 00	
J. P. Drake.....	1	2 00	.....	7 00	
L. B. Stockton.....	6	12 00	32 72	44 72	
1855-56.					
W. J. Brown.....	4	8 00	.....	8 00	86 88
L. H. Jameson.....	4	8 00	.....	8 00	
J. S. Spann.....	5	10 00	.....	10 00	
Julius Nicolai.....	4	8 00	.....	8 00	
J. P. Drake.....	3	6 00	.....	6 00	
L. B. Stockton.....	5	10 00	36 88	46 88	
1856-57.					
W. J. Brown.....	5	10 00	.....	10 00	176 65
L. H. Jameson.....	11	22 00	.....	22 00	
J. S. Spann.....	9	18 00	.....	18 00	
J. P. Drake.....	10	20 00	.....	20 00	
Julius Nicolai.....	13	26 00	.....	26 00	
L. B. Stockton.....	8	16 00	55 85	71 85	
J. W. Knightly.....	2	4 00	4 80	8 80	
1857-58.					
L. H. Jameson.....	4	8 00	.....	8 00	214 40
J. S. Spann.....	10	20 00	.....	20 00	
J. P. Drake.....	10	20 00	.....	20 00	
Julius Nicolai.....	10	20 00	.....	20 00	
L. B. Stockton.....	10	20 00	78 00	98 00	
J. W. Knightly.....	11	22 00	26 40	48 40	

### RECAPITULATION.

NAMES.	No. Days.	Per diem.	Mileage.	Amount paid to each trustee.	Total.
W. J. Brown.....	32	\$64 00	.....	\$64 00	\$743 11
J. Walker.....	2	4 00	.....	4 00	
L. H. Jameson.....	33	66 00	.....	66 00	
John S. Spann.....	41	82 00	.....	82 00	
J. Nicolai.....	50	100 00	.....	100 00	
J. P. Drake.....	32	64 00	.....	64 00	
L. B. Stockton.....	33	66 00	\$232 71	298 71	
J. W. Knightly.....	13	26 00	31 70	57 70	

Which,

On motion,

Was referred to the committee on benevolent institutions.

Mr. Slack moved to suspend the order of business to give him an opportunity of introducing a resolution.

On motion by Mr. Hendry,  
A call of the Senate was ordered.

The Secretary proceeded with the call,  
Whereupon,  
All the Senators answering to their names.

On motion,  
The further call was dispensed with.

The question being, shall the order of business be suspended?  
It was not agreed to.

Mr. Kinley, from the committee on education, made the following report :

MR. PRESIDENT:

The committee on education to whom the following resolution was referred, "that the committee on education be instructed to inquire into and report to the Senate at as early a day as practicable, whether the duties now required by law of the Superintendent of Public Instruction cannot be dispensed with without impairing the efficiency of our common school system, also the annual expenses of supporting that officer to the State, including salary, clerk hire, books and stationery, printing, and all other expenditures connected therewith," are prepared to report as yet only as relates to the expenditures of that office, exclusive of printing, stationery and books, for which no account can be found. Expenses of Superintendent, including annual salary of \$1,300, special annual salary, \$500, allowance for Clerk hire, annually, for six months at two dollars per day, to-wit:

From August, 1852, to October 31st, 1854, expenses of fund .....	\$3,874 78
From November 1st, 1854, to October 31st, 1855, expenses of fund.....	2,390 45
From November 1st, 1855, to October 31st, 1856, expenses of fund.....	1,485 15
From November 1st, 1856, to October 21st, 1857, expenses of fund.....	2,880 04
From November 1st, 1857, to October 31st, 1858.....	2,236 00
For six years .....	\$12,866 42
For one year .....	2,144 40
For clerk hire annually.....	344 40

Which report was laid on the table.

Mr. Bennett, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 73, "an act to amend the 51st section of an act entitled 'an act defining felonies and prescribing punishment therefor,' approved June 11th, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, with the following amendments :

In section 51 strike out the words, "at hard labor" and "under the direction of the jailor," and insert in the same section, between the words "may" and "instead," the words, "in the discretion of the court or jury trying such cause."

And add to the same section the words, "not exceed the term fixed for imprisonment in the State Prison."

Which report was concurred in, and  
Senate bill No. 73, contained in the foregoing report,  
Was ordered to be engrossed.

Mr. Jones, chairman of the committee on claims, made the following report :

MR. PRESIDENT :

The committee on claims, to whom was referred House bill No. 40, "a bill to relieve Nathan Rowley, of Vanderburgh county, from the consequences of certain legal proceedings had, and judgment rendered in the Vanderburgh circuit court at the September term of said court in the year 1847, in an action wherein the State of Indiana in the relation of B. Mills, school commissioner, was plaintiff, and the said Nathan Rowley, former school commissioner, and sundry other persons, his sureties as such, were defendants," report the same back with sundry amendments thereto, as follows :

Amend by inserting the word "may" after the word "recited" in the fourth line.

Also, by inserting after the word "Rowley," in the fifth line, the following :

"From the treasury of Vanderburgh county, in the discretion of the board of commissioners of said county," and when said amendments are adopted, they recommend the passage of the bill.

Which report was concurred in, and the bill passed to a third reading on to-morrow.

Mr. Conner, chairman of the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred Senate bill No. 47, "a bill allowing the formation and defining the liabilities of limited partnerships," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that the same be laid on the table.

Which report was concurred in.

Mr. Steele, chairman of the committee on banks, made the following report :

MR. PRESIDENT :

The committee on banks to whom was referred a communication from the Auditor of State on the subject of certain free banks of the State paying over certain moneys, report the same back to the Senate and recommend it to lay on the table.

Which report was concurred in.

Mr. Blair, chairman of the committee on county and township business, made the following report :

MR. PRESIDENT :

The committee on county and township business, to which was referred a petition of the county commissioners of Parke county, have had the same under consideration, and have directed me to report that according to the provisions of the 9th section, of chapter 49, of the acts of 1855, county treasurers are entitled to receive two and a half per cent. for securing, and two a half per cent. for paying out any funds that may come into their possession as such officers, whether as county revenue or otherwise, but are only entitled to "two and a half per cent. for securing and paying out," and in this opinion the committee is supported by the decisions of the Supreme Court, in the case of *Woollen v. The Board of Commissioners of Jefferson County*, 4 Ind. R. 331.

Which report was concurred in.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Green, chairman of a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 33,

"a bill for the protection of the Sabbath, with penalties for the violation thereof, and to repeal an act entitled "an act for the protection of the Sabbath, and providing penalties for the desecration thereof," approved February 28th, 1855," and the amended bill thereto, No. 106, "a bill to repeal section 2 of an act entitled "an act for the protection of the Sabbath, and providing penalties for the desecration thereof," approved February 28th, 1855," have had the same under consideration, and have directed me to report back the original bill (No. 33,) and recommend the passage of the same, and that the amended bill (No. 106,) be indefinitely postponed.

Which report was concurred in; and  
Senate bill No. 33, contained in the foregoing report,  
Was ordered to be engrossed.

Mr. Shoemaker, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred House bill No. 79, "a bill to provide for the re-location of county seats and for county buildings, where two-third of the voters of any county have petitioned for the relocation, designating the site and the house to be used as a court house, and where a deed has been executed, and to provide for the limitation of actions growing out of such re-location, and for the donation of the former county property," have had the same under consideration, and have directed me to report the same back with the following amendment, and when so amended, to recommend its passage.

Amend in the fourth line of section 5 by inserting after the article "A," the word "suitable," and after the word "building," the words "or buildings," and after the last word in the eighth line the same word.

Amend in the first line of section 8 by substituting for the words "twenty-eight" the words "thirty-five."

Amend in the second line of section 11 by substituting for the words "twenty-five" the words "thirty-five," and by striking out the words "and notes," in the third line.

Amend section thirteen by inserting after the word "act," in the third line, the words, "*Provided*, such public buildings are completed."

Add the following sections :

SEC. 18. This act shall not be taken or considered as repealing any of the provisions of an act entitled "an act to provide for the

relocation of county seats, and for the erection of public buildings in cases of such re-location," approved March 2d, 1855, to which this act is a supplement.

SEC. 19. Nothing in this act shall be construed as to permit any money to be drawn from the general fund of the county treasury for the purpose of carrying out any of the provisions of this act.

Which report was concurred in.

Mr. Cobb moved to further amend the bill as follows :

Amend by striking from section 2 the word "fifteen" where it occurs therein, and inserting the word "twenty."

Mr. Beeson moved to further amend section 5 by striking out of the eleventh and twelfth lines the words, "or by any one of them."

Amend section 12, second line, by striking out the word "lawyers," and inserting the words, "suitable person or persons."

The amendments were agreed to.

Mr. Shoemaker moved to read the bill a third time.

Which was agreed to ; and

The bill was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cooper, Cravens, Hamilton, Hargrove, Hendry, Johnston, Jones, Line, McLean, March, Miller, Murray, O'Brien, Rice, Robinson, Shoemaker, Slack, Steele, Studabaker, Tarkington, Turner, Wagner, Weir, Williams and Wilson—33.

*Those who voted in the negative were,*

Messrs. Bennett, Conner, Craven, Culver, Fisk, Gooding, Green, Heffren, Hill, Kinley, Lomax, McClure, Odell, Thompson and Wallace—15.

So the bill passed.

On motion by Mr. Cobb,

The title of the bill was amended so as to read as follows :

An act supplemental to an act entitled "an act to provide for the relocation of county seats, and for the erection of public buildings in case of such relocation," approved March 2d, 1855, so as to pro-



vide for the relocation of county seats, and for the erection and preparation of county buildings in counties where two thirds of the legal voters have petitioned therefor, designating a site and a house to be used as a court house, and where a deed has been executed; to provide also for the transfer of any equitable title for the limitation of actions growing out of such relocation, and for the transfer of the former county property.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Gooding,  
The order of business was suspended, and

Senate Joint Resolution No. 6. A joint resolution disapproving of the course of the Honorables Jesse D. Bright and Graham N. Fitch, in the Senate of the United States, on the Lecompton Constitution, and the removal of Hon. Stephen A. Douglas from the chairmanship of the committee on territories.

Was read a second time.

Mr. Heffren moved to lay the joint resolution on the table.

The ayes and noes being demanded by Senators Gooding and Slack.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Fisk, Green, Hamilton, Hargrove, Heffren, Jennings, Johnston, Kinley, Line, Lomax, McClure, Miller, O'Brien, Odell, Slack, Studabaker, Tarkington and Williams—19.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Hendry, Hill, Jones, March, Murray, Rice, Robinson, Shoemaker, Steele, Stevens, Thompson, Turner, Wagner, Wallace, Weir and Wilson—30.

So the joint resolution was not laid on the table.

Mr. Johnston moved to amend the joint resolution as follows:

Amend by striking out all after the resolving clause and inserting the following :

WHEREAS, The question of slavery in Kansas Territory has been the source of political agitation for the last four years; AND WHEREAS, the question of the admission of Kansas into the Union as a State under the Lecompton Constitution has created great ex-

citement between the political parties of this country; AND WHEREAS, the question of admission under said constitution has, by act of Congress, been submitted to a vote of the people of said Territory; AND WHEREAS, they did on the 2d day of August, 1858, by virtue of said act of Congress, hold an election at which a majority did (as shown by the returns of said election) vote against such admission. Be it therefore,

*Resolved*, That in the opinion of this General Assembly that the question of the admission of Kansas into the Union as a State under the Lecompton Constitution is a settled question, and ought not to be revived. Be it further

*Resolved*, That our Senators in Congress be instructed, and our Representatives requested to give no vote, directly or indirectly, that would again bring up the question of admission of said Territory under the Lecompton Constitution. And be it further

*Resolved*, That we still believe in the doctrine of popular sovereignty, that the people of a Territory, as well as those of a State, has the right and the power to control the subject of slavery within their limits, as well as all other matters of legislation. And be it further

*Resolved*, That we still adhere to the doctrine of submitting a constitution to a vote of the people for their ratification, but deny the power of Congress to compel such submission. Be it further

*Resolved*, That our Senators be instructed and Congressmen requested to vote for the admission of Kansas, as well as all other Territories, with or without slavery, just as the people thereof may decide for themselves, whenever they may have the fractional number of population that entitles a State to a member of Congress, and shall present a constitution legally got up and Republican in form.

*Resolved*, That the Governor be requested to furnish a copy of these resolutions to each of our Senators and Representatives in Congress.

Mr. Gooding moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Slack and Heffren,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, McLean, March, Murray, Odell, Rice,

Robinson, Shoemaker, Steele, Stevens, Thompson, Turner, Wagner, Wallace, Weir and Wilson—34.

*Those who voted in the negative were,*

Messrs. Carnahan, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure Miller, O'Brien, Slack, Studabaker, Tarkington and Williams—16.

So the amendment was laid on the table.

Mr. Heffren moved to amend the joint resolution by adding the following words after the words "disapproved by," to-wit: "The Anti-Lecompton Democrats," and strike out the word "people" in the last line, and insert the word "same."

On motion by Mr. Gooding,  
The amendment was laid on the table.

Mr. Weir moved to amend by striking out the second resolution.  
Which was not agreed to.

The question being, shall the joint resolution be engrossed and read a third time on to-morrow.

*Those who voted in the affirmative were,*

Messrs. Beeson, Bennett, Brown, Cobb, Conley, Cravens, Craven, Culver, Gooding, Green, Hendry, Jones, March, Murray, Rice, Robinson, Stevens, Thompson, Turner, Wagner, Wallace and Wilson—22.

*Those who voted in the negative were,*

Messrs. Anthony, Blair, Bobbs, Carnahan, Conner, Cooper, Fisk, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Steele, Studabaker, Tarkington, Weir and Williams—28.

So the joint resolution was not ordered to be engrossed.

Mr. Heffren, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 9, "a bill to prevent the circulation of unauthorized paper currency, and for the redemption of such as has been heretofore issued, or may hereafter be issued, and for punishing the violations of this act,"

S. J.—19.

with the pending amendments thereto, have had the same under consideration, and direct me to report the same back, recommending that it be laid on the table, and report the following bill in lieu thereof:

Senate bill No. 109. A bill to prevent the putting away or circulating of worthless or broken bank notes or paper, and to prevent the issuing or circulating of unauthorized paper currency, in the similitude of bank bills or notes, and for the redemption of such as has been issued, or may hereafter be issued, and to punish any and all violations of the provisions of this act.

Which report was concurred in, and  
Senate bill No. 109, contained in the foregoing report,  
Was read a first time and passed to a second reading on to-morrow.

On motion by Mr. Murray,  
The order of business was suspended, and  
The following message from the House were taken up:

A message from the House, by Mr. Ryan, Principal Clerk thereof:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, to-wit:

Senate bill No. 20. A bill to authorize the incorporation of associations formed for building towns within this State, with the following engrossed amendments of the House thereto:

Amend the title so as to read as follows, viz:

"An act to provide for the incorporation of associations heretofore formed for building towns within this State, and for the transfer to such corporation of real estate, the titles to which have been taken in the names of trustees."

Amend section 1st, in the third line, by inserting after the word "persons" the word "may," and after the word "have," in same line, the word "heretofore."

Amend the same section, fourth line, by striking out the words "desire to associate."

Amend the 2d section, in the sixth and seventh lines, by striking out the words, "or is to be;" and amend the same section in the tenth line, by striking out the words "seven days," and inserting in lieu thereof, the words "three weeks."

Amend the third line of the 3d section by striking out the word "may" after the word "secretary," and inserting in lieu thereof, the word "shall."

Amend section 5th, in the fourth line, by striking out the word "three," and insert instead the word "twenty."

Amend the 7th section by adding the following: "But nothing herein contained shall be so construed as to exempt such lands from taxation as other lands are taxed."

Amend section 8th by striking out the word "may," after the word "corporation," and inserting in lieu thereof the word "shall."

Which amendments were concurred in.

Mr. Weir moved to reconsider the vote refusing to engross Senate joint resolution No. 6.

Mr. Heffren moved a call of the Senate.

The Secretary proceeded with the call,  
Whereupon,  
It being found that all the Senate were present,

On motion by Mr. Weir,  
The further call was suspended.

The question being, shall the vote refusing to engross Senate joint resolution No. 6 be reconsidered?

The ayes and noes being demanded by Senators Carnahan and Heffren.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Wallace, Weir and Wilson—31.

*Those who voted in the negative were,*

Messrs. Carnahan, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington and Williams—19.

So the motion to reconsider prevailed.

Mr. Gooding moved to strike out the second resolution, and, also, to strike out that part of the title which reads as follows, to-wit:

“And the removal of the Hon. Stephen A. Douglas from the chairmanship of the committee on Territories.”

The ayes and noes being demanded by Senators Johnston and Conley.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Heffren, Hendry, Hill, Jones, Kinley, Line, McClure, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Weir and Wilson—29.

*Those who voted in the negative were,*

Messrs. Bobbs, Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Jennings, Johnston, Lomax, McLean, March, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace and Williams—21.

So the motion to strike out prevailed.

Mr. Williams moved to amend the joint resolution by inserting in the proper place, after the words “Bright and Fitch,” the words “our Senators in Congress.”

Mr. Gooding moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Heffren and Williams.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Weir and Wilson—29.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace and Williams—21.

So the amendment was laid on the table.

The question being, shall the joint resolution be engrossed?

The ayes and noes being demanded by Senators Gooding and Heffren.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Wallace, Weir, and Wilson—30.

*Those who voted in the negative were,*

Messrs. Carnahan, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington and Williams—20. 19

So the joint resolution was ordered to be engrossed.

On motion by Mr. Turner,  
The Senate adjourned.

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WEDNESDAY MORNING, 9 O'CLOCK, }  
December 22, 1858. }

The Senate met.

The reading of the Journal was dispensed with.

On motion by Mr. Hargrove,

The vote referring the communication of the Superintendents of the Hospitals for the Insane and Deaf and Dumb to the committee on benevolent institutions, was reconsidered.

On motion by Mr. Hargrove,

The communications were laid on the table, and two hundred copies ordered to be printed for the use of the Senate.

The order of business was suspended, and

On motion by Mr. Heffren,

Senate bill No. 109. A bill to prevent the putting away or cir-

culating of worthless or broken bank notes or paper, and to prevent the issuing or circulating of unauthorized paper currency, in the similitude of bank bills or notes, and for the redemption of such as has been issued, or may hereafter be issued, and to punish any and all violations of the provisions of this act,

Was read a second time.

The question being, shall the bill be engrossed and pass to a third reading on to-morrow?

Mr. Tarkington moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

In was agreed to.

The question being, shall the bill be engrossed and pass to a third reading?

It was agreed to.

The order of business was suspended, and

Mr. Wagner, from a select committee, made the following report:

MR. PRESIDENT :

The special committee to whom was referred House bill No. 11, "a bill repealing the second section of an act entitled 'an act to authorize the formation of new counties, and to change county boundaries,' approved March 7th, 1857," have had the same under consideration, and have directed me to report it back to the Senate, without amendment, and recommend its passage.

On motion by Mr. Murray,  
The report and bill were laid on the table.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Conner, from the committee on the judiciary, made the following report:

MR. PRESIDENT :

The committee on the judiciary, to whom was referred a resolution instructing said committee to inquire into the expediency of providing by law for the publication of all acts of the General Assembly which contain an emergency clause, in at least one newspaper in each of the several counties of the State, where one is printed, have had the same under consideration, and have directed me to report



that, in the opinion of said committee, it is inexpedient to provide by law for the publication of such laws as are contemplated in said resolution.

The question being, shall the report be concurred in?

The ayes and noes being demanded by Senators Johnston and Conner.

*Those who voted in the affirmative were,*

Messrs. Bennett, Bobbs, Brown, Carnahan, Conner, Cooper, Craven, Culver, Gooding, Green, Hendry, Hill, Jennings, Jones, Kinley, McLean, March, Murray, O'Brien, Odell, Rice, Slack, Steele, Stevens, Tarkington, Thompson and Turner—27.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Blair, Cobb, Conley, Cravens, Fisk, Hamilton, Hargrove, Heffren, Johnston, Line, Lomax, McClure, Miller, Robinson, Studabaker, Wagner, Wallace, Weir, Williams and Wilson—22.

So the report was concurred in.

Mr. Conner, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 108, "a bill authorizing the payment of school money retained in county treasuries by injunction of court," have had the same under consideration, and have directed me to report the same back to the Senate and recommend that the same be indefinitely postponed.

Which report was concurred in.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 36, "an act to amend the first section of an act entitled 'an act providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished,' approved February 12th, 1855, to authorize the court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned or special terms, and of prosecuting attorneys.

while in attendance upon the same," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, with the following amendments:

Amend by striking out the following words where they appear in the first amended section :

"Any action or actions, or of all actions pending in said court when the complaint has been filed and process served at least ten days prior to the day fixed for such special term," and insert in their place the following :

"All actions pending at the close of the preceding regular term."

Insert immediately preceding the last sentence in the first section the following :

"When called in vacation. But notice shall not be necessary to any party requesting such special term, or assenting thereto in writing."

Strike out the second section.

Which report was concurred in.

Mr. Stevens moved to amend the bill by requiring the county officers of each county to make application to the judge when they think the interests of the county require an extra term, and that the salary of such judge shall be five dollars per day for the time he holds, and mileage at the rate of ten cents per mile.

Which was not agreed to.

Mr. Murray moved to amend the bill by adding thereto the following section :

SEC. —. The board of county commissioners of the county in which said special terms may be held may allow to such judge and prosecuting attorney such compensation for holding such term as they, in their discretion, may think just and proper, to be paid out of the county treasury.

Which was not agreed to.

The bill was ordered to be engrossed.

Mr. Steele, chairman of the committee on banks, made the following report :

MR. PRESIDENT :

The committee on banks to whom was referred a resolution of the Senate, instructing that committee to inquire into the expediency of passing an act prohibiting the banks of the State from emitting bills of a less denomination than five dollars, and providing a suitable

penalty for the circulating, within the limits of this State, bills of banks of other States of a less denomination than ten dollars, have had the same under consideration, and report that it is inexpedient to legislate upon that subject at this time.

On motion by Mr. Murray,  
The report was laid on the table.

Mr. Gooding, chairman of the committee on temperance, made the following report :

MR. PRESIDENT :

The committee on temperance, to whom was referred Senate bill No. 58, "a bill to amend the 37th section of an act entitled 'an act defining misdemeanors, and prescribing punishment therefor,' approved June 14th, 1852," have had the same under consideration, and have directed me to report the same back to the Senate and recommend that the same be laid on the table, the object of the same having been provided for in another bill now before the Senate.

Which report was concurred in.

Mr. Turner, chairman of the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills would respectfully report that they have compared the enrolled with the engrossed copy of Senate bill No. 20, "a bill to authorize the incorporation of associations formed for building towns within this State," and find the same correctly enrolled.

A message from the House, by Mr. French, an Assistant Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed Senate bill No. 59, without amendment, viz :

A bill to amend the 3d section of an act entitled "an act regulating the licensing of pilots at the falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses," approved June 15th, 1852. Also,

Senate bill No. 20. A bill to authorize the incorporation of associations formed for building towns within this State, with the following engrossed amendments thereto.

A message from the Governor, by Mr. Osbourne, Executive Messenger :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has approved and signed the following bill :

Senate bill No. 20. An act to provide for the incorporation of associations heretofore formed for building towns within this State, and for the transfer to such corporation of real estate, the titles to which have been taken in the names of trustees.

A message from the House, by Mr. Ryan, Principal Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in engrossed amendments of the Senate to House bill No. 79. An act to provide for the re-location of county seats and for county buildings, where two-thirds of the voters of any county have petitioned for re-location, designating the site, and a house to be used as a court house, and where a deed has been executed, and to provide for the limitation of actions growing out of such re-location, and for the donation of the former county property.

Mr. Slack offered the following resolution :

*Resolved*, That the Senate will, the House concurring therein, adjourn *sine die* on Friday the 24th inst., at 10 o'clock A. M.

Mr. Murray moved to amend the resolution by striking out "Friday" and inserting "Saturday."

Mr. Anthony moved to lay the resolution and pending amendment on the table.

The ayes and noes being demanded by Senators Johnston and Heffren.

*Those who voted in the affirmative were,*

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hill, Jones, Kinley, McLean, March, Murray, Rice, Robinson, Steele, Turner and Wagner  
—23.

*Those who voted in the negative were,*

Messrs. Beeson, Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Shoemaker, Slack, Stevens, Studabaker, Tarkington, Thompson, Wallace, Weir, Williams and Wilson—26.

So the motion to lay on the table did not prevail.

Mr. Green moved to amend the amendment by striking out "Saturday 25th inst." and inserting "Tuesday 28th inst."

Mr. Carnahan moved to lay the amendment to the amendment on the table.

Which was agreed to.

Mr. Turner moved to amend the amendment by striking out "Saturday 25th," and inserting "Monday 27th."

On motion by Mr. Carnahan,

The amendment to the amendment was laid on the table.

The question being, shall the amendment to the resolution be adopted?

The ayes and noes being demanded by Senators March and Anthony.

*Those who voted in the affirmative were,*

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Craven, Culver, Fisk, Gooding, Green, Hargrove, Heffren, Hill, Jones, Kinley, Line, March, Murray, O'Brien, Odell, Rice, Robinson, Steele, Stevens, Tarkington, Turner, Wagner, Williams and Wilson—31.

*Those who voted in the negative were,*

Messrs. Beeson, Carnahan, Cobb, Conley, Cravens, Hamilton, Hendry, Jennings, Johnston, Lomax, McClure, McLean, Miller, Shoemaker, Slack, Studabaker, Thompson, Wallace and Weir—19.

So the amendment was adopted.

The resolution, as amended, was adopted.

On motion by Mr. Conley,

*Resolved*, That the certificates of election of each of the newly

elected members of this Senate be referred to the committee on elections, and that said committee be requested to report thereon as soon as practicable.

Mr. Wallace offered the following resolution :

*Resolved*, That the committee on military affairs be instructed to prepare and offer, at the beginning of the ensuing regular session, a bill for the complete and thorough organization and regulation of the militia, as was contemplated by the makers of the constitution.

Which was not ageeed to.

On motion by Mr. Slack,

*Resolved*, That the Principal and Assistant Secretaries of the Senate, and the Principal and Assistant Doorkeeper of the Senate, report the time of their assistants to the committee on finance, and that the chairman of each committee report the time of their clerks to said committee, and that said committee make allowance therefor.

On motion by Mr. Anthony,

*Resolved*, That the select committee to which was referred the arrangement for heating the Senate Chamber be further authorized and directed to cause the desks in said chamber to be rearranged, if in their opinion the present arrangement can be improved, said change, if any, to be made by the next session of this Senate.

On motion by Mr. Weir,

*Resolved*, That the Auditor of State be instructed to report to the Senate by what authority he has heretofore charged any person or persons any fee for the privilege of such person or persons examining the public books in his office, in regard to public matters, and the name of such person or persons, and the amount or amounts so charged, and the disposition made by him of the same.

On motion by Mr. Johnston,

*Resolved*, That the committee on education be instructed to inquire into the expediency of appointing some suitable person in each county to stand on the corners of the streets and read the laws to the people.

Mr. Tarkington moved to suspend the order of business and to take up Senate bill No. 86.

Which was agreed to ; and

Senate bill No. 86. A bill to enable the holders of unauthorized

paper money to collect the amount thereof from any person, company or corporation heretofore issuing or aiding in the issue or circulation thereof,

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conner, Conley, Cravens, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—46.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Blair,

The title of the bill was amended by striking out the word "money" where it occurs therein and insert instead thereof the word "currency."

A message from the House, by Mr. French, an Assistant Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed Senate bill No. 5, without amendment:

Senate Bill No. 5. A bill to amend the 32d section "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852. Also,

Senate bill No. 60. (Without amendment.) A bill to amend an act authorizing county agricultural societies to purchase and hold real estate, approved February 7th, 1855.

The order of business was suspended, and

On motion by Mr. Conner,

House bill No. 5. A bill to amend the 6th section, and to repeal

the seventh clause of the 7th section of an act regulating the granting of divorces, nullification of marriages, and decrees and orders of the courts incident thereto, approved May 13th, 1852,

Was taken up.

Mr. March moved to amend the bill by striking out from the enacting clause and inserting the following :

That sections 6, 7, 10, 11, 12, 15, 19 and 20 of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852, and which reads as follows, to-wit :

"SEC. 6. Divorces may be decreed by the circuit courts of this State on petition filed by any person at the time a *bona fide* resident of the county in which the same is filed, of which *bona fide* residence the affidavit of such petitioner shall be *prima facie* evidence.

"SEC. 7. Divorces shall be decreed upon the application of the injured party for the following causes :

"*First.* Adultery, except as hereinafter provided.

"*Second.* Impotency.

"*Third.* Abandonment for one year, or for a less period if the court shall be satisfied that reconciliation is improbable.

"*Fourth.* Cruel treatment of either party by the other.

"*Fifth.* Habitual drunkenness by either party, or the failure of the husband to make reasonable provision for the family.

"*Sixth.* The conviction, subsequent to the marriage, in any country of either party of an infamous crime.

"*Seventh.* Any other cause for which the court shall deem it proper that the divorce shall be granted.

"SEC. 10. The clerk of the court in which such petition is filed shall issue a summons for the defendant to appear and answer said petition, which summons shall be personally served on said defendant, if a resident of the State, either by reading, or leaving a copy thereof at his usual place of residence.

"SEC. 11. If it shall appear by the affidavit of a disinterested person, or by the return of the officer to whom such summons was directed, that the defendant is not a resident of this State, the clerk shall give notice of the pendency of such petition, by publication for three successive weeks in some weekly newspaper of general circulation, printed or published in such county, or if there be no such paper, then in the one printed and published in this State nearest to the county seat of such county.

"SEC. 12. The court may proceed to hear and determine such cause whenever such summons shall have been served fourteen days, or such publication made thirty days before the first day of trial.

"SEC. 15. Witnesses may be examined in court or depositions taken, at the option of the party offering the testimony.

"SEC. 19. The court shall make such decree for alimony as the



circumstances of the case, the pecuniary condition of the parties, and the amount of personal property received by the husband from the wife's estate shall render just and proper.

"SEC. 20. A divorce decreed on account of the misconduct of the wife, shall entitle the husband to the same rights so far as his or her real estate is concerned, as he would have been entitled to by her death," be, and the same are hereby amended to read as follows, to-wit:

SEC. 6. Divorces may be decreed by the circuit courts of this State on petition filed by any person at the time a *bona fide* resident of the county in which the same is filed, and who has been a resident of the State of Indiana for one year, and of such county for six months immediately preceding the filing of such petition.

SEC. 7. Divorces shall be decreed upon the application of the injured party for the following causes:

*First.* Adultery, except as provided in section eight of the original act.

*Second.* Impotency.

*Third.* Abandonment for one year.

*Fourth.* Cruel treatment of either party by the other.

*Fifth.* Habitual drunkenness by either party.

*Sixth.* Failure of the husband to make reasonable provision for the family.

*Seventh.* The conviction, subsequent to the marriage, in any country of either party of an infamous crime.

*Eighth.* Any other cause for which the court shall deem it proper that a divorce should be granted.

SEC. 10. The clerk of the court in which such petition is filed shall issue a summons for the defendant to appear and answer such petition, which summons shall be served on said defendant, if a resident of the State, either by reading the same to him or her personally, or leaving a copy thereof at his or her usual place of residence; and if the defendant is a non-resident of the State, and a resident of the United States or its Territories, such service of the summons may be proven to the court by the affidavit of a disinterested person that it has been actually had upon the party in person, and in all cases the petitioner shall file his or her affidavit at the same time with the petition, stating whether or not the place of residence of the defendant is known to him or her, and if it is known, where that residence is, specifying county and State, and town, if defendant resides in any town; and if the defendant is thus shown to be a non-resident of this State, and the place of residence known, the trial shall not take place until fifty-one days after he or she shall be personally served with summons as above provided.

SEC. 11. If it shall appear by the affidavit of the petitioner that the place of residence of defendant is altogether unknown to him or her, or that the defendant is not a resident of the United States or Territories, the clerk shall give notice of the pendency of such peti-

tion by publication for three successive weeks in some weekly newspaper of general circulation, printed and published in such county; or if there be no such paper, then in the one printed and published in this State nearest the county seat of such county.

SEC. 12. When the defendant is a resident of this State, or a non-resident, and the place of residence is known in the United States or Territories, and service has been had on him or her as above required, the court may proceed to hear and determine such cause at the next term after such service; *Provided*, The same has been made upon a resident of the State ten days, and upon a non-resident fifty-one days before the first day of such term; and if the residence of the defendant is altogether unknown, or not in the United States or Territories, the court may proceed to hear and determine such cause at the next term after publication of notice as required in the preceding section; *Provided*, The last publication

SEC. 15. Witnesses may be examined in court, or depositions taken, at the option of the party offering testimony; but notice of the taking of depositions shall be personally served on the defendant, or his or her attorney in cases where the place of residence of such defendant is known in the United States or Territories.

SEC. 19. The court shall make such decree for allimony in all cases contemplated by this act, as the circumstances of the case shall render just and proper.

SEC. 20. A divorce decreed on account of the misconduct of the wife, shall entitle the husband to the same rights, so far as his real estate is concerned, as he would have been entitled to by her death.

SEC. 21. Parties against whom a judgment of divorce has been heretofore, or shall hereafter be rendered, without other notice than publication in a newspaper herein required, may, at any time within two years after the rendition of the judgment, have the same opened and be allowed to defend; but before any judgment shall be so opened, such party shall give notice to the original plaintiff of his intention to make application to have the judgment opened as the court in term, or the judge thereof in vacation, shall require, and shall file a full answer to the original complaint for divorce, and an affidavit stating that during the pendency of the action he or she received no actual notice thereof in time to appear in court and object to the judgment; and shall also pay all such costs as the court shall direct. Any property which was sold under any such judgment so sought to be opened, and which shall have passed into the hands of a purchaser in good faith shall not be affected by any proceeding consequent upon the opening of such judgment. The provisions of this section set out, shall apply to all questions of property, alimony and the custody of children, and to all other questions connected with the judgment, except that where either of the parties has married after the judgment of divorce prior to such notice given, in such case the dissolution of the marriage contract shall not be set aside.

SEC. 22. Advantage being daily taken of the statute to which

this is amendatory, by non-residents of this State, it is hereby declared that there is an emergency requiring this act to take immediate effect; for which reason it shall take effect from and after its passage; *Provided*, That all suits for divorce pending at the time of its passage shall in no wise be affected thereby.

Mr. Murray moved to amend the amendment as follows:

Amend the proviso to the emergency clause by adding after the word "provided," "that suits now pending, commenced under the provisions of the act hereby amended, by actual *bona fide* residents of the State, of which residence the court shall, on the trial, require proof, may be prosecuted as if this act had not been passed, otherwise than in this proviso required."

Mr. Slack moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Heffren and Murray.

*Those who voted in the affirmative were,*

Messrs. Anthony, Bennett, Blair, Brown, Cobb, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hargrove, Hendry, Hill, Johnston Jones, Lomax, McClure, McLean, March, Miller, O'Brien, Rice, Robinson, Slack, Steele, Studabaker, Tarkington, Turner, Wallace, Weir, Williams and Wilson—34.

*Those who voted in the negative were,*

Messrs. Beeson, Bobbs, Carnahan, Conley, Heffren, Jennings, Kinley, Line, Murray, Odell, Shoemaker, Stevens, Thompson and Wagner—14.

So the amendment to the amendment was laid on the table.

The question being, shall the amendment be adopted?

It was agreed to.

Mr. March moved to consider the bill as engrossed and that it be read a third time.

Which was agreed to.

The bill was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, S. J.—20.

han, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hargrove, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—44.

Senators Heffren and Hendry voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

The order of business was suspended, and  
On motion by Mr. Wilson,

Senate Joint Resolution No. 1. A joint resolution relative to the admission Kansas into the Union as a State, and declarative of the rights of the people thereof,

Was taken from the table and placed on the files.

Mr. Turner, chairman of the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills have compared the enrolled with the engrossed copy of Senate bill No. 59, "an act to amend section third of an act regulating the licensing of pilots at the falls of Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses, approved June 15, 1852," and find the same correctly enrolled.

On motion by Mr. McLean,  
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

The order of business was suspended, and

On motion by Mr. Heffren,

Senate bill No. 109. A bill to prevent the putting away or circulating of worthless or broken bank notes or paper, and to prevent the issuing or circulating of unauthorized paper currency in the similitude of bank bills or notes, and for the redemption of such as has been issued, or may hereafter be issued, and to punish any and all violations of the provisions of this act,

Was taken up.

On motion by Mr. Heffren,

The bill was amended as follows :

Amend section 1st, fourth line, by adding after the word "corporation" the words, "or any member or members thereof."

Amend section 3d, second line, by adding after the word "corporation" the words, "or any member or members thereof."

Amend section 4th, line second, by adding after the word "corporation" the words, "or any member or members thereof."

Amend section 5th, line second, by adding after the word "corporation" the words, "or any member or members thereof."

Amend section 6th, line tenth, by adding after the word "corporation" the words, "or any member or members thereof."

Mr. Heffren moved to suspend the rules, consider the bill as engrossed and that it be read a third time.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Conley, Conner, Cooper, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Wagner, Wallace, Weir, Williams and Wilson—41.

Senators Hendry and Studabaker voting in the negative.

So the rules were suspended, and the bill was read a third time.

Mr. Weir moved to recommit the bill to a select committee of three, with instruction to amend as follows :

Amend section 6th by striking out therefrom the words "solvent" and "insolvent" where they occur, and inserting instead thereof, the words "person or persons."

Also by adding the following :

SEC. —. Whenever any private banker or bankers, or any broker or brokers, or any individual or firm, or any member of any firm or company or association not authorized by the laws of this State to issue bank notes, and doing a banking business, and do a general banking business, who shall hereafter receive, or has heretofore received deposits from any person or persons, or of any firm or members thereof, or of any company or association, of money or currency, and shall after the expiration of sixty days after demand thereof, after the same is due, fail to pay the same, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars, to which may be added imprisonment in the county jail not exceeding sixty days ; *Provided*, That this act shall not apply when the depositor is by agreement to receive interest on the same.

SEC. —. Whenever the officers of any bank or banks authorized by the laws of this State to issue bank bills in the similitude of bank notes for circulation, and to do a general banking business, shall fail to redeem any one or more of their said bills or notes issued by them, on presentation for and demand of redemption, the officers of such bank, including the president, cashier, and the directors, shall each be deemed guilty of a misdemeanor for each and every failure to redeem on each and every presentation and refusal, and upon conviction thereof shall be fined not less than fifty dollars nor more than one thousand dollars for each and every offense, to which may be added imprisonment in the county jail not exceeding thirty days, after the conviction of the first offense.

SEC. —. Whenever the officers of any bank, authorized by the laws of this State to issue bank notes and do a general banking business, shall receive deposits of money or currency from any person or persons, or any firm, or any member or members thereof, or of any company or association, and shall fail to pay the same after sixty days after a demand after the same is due, the officers of such bank, including the president, cashier and directors, shall each be deemed guilty of a misdemeanor for each and every offense in so failing to pay, and shall, upon conviction thereof, be fined in any sum not less than one hundred dollars nor more than one thousand dollars for each and every offense, to which may be added imprisonment in the county jail not exceeding thirty days ; *Provided*, That this shall not apply where the depositor is, by agreement, to receive interest on the same.

SEC. —. Any president, cashier or directors of any bank or banks authorized by the laws of this State to issue bank notes and do a general banking business, and who have heretofore, while doing business as such, received deposits of money or currency of any person or persons, or of any firm, or member or members thereof, or of any company or association, and failed to pay the same, such officers, including the president, cashier and directors, shall, after the expiration of sixty days after a demand after the same is due, and a failure to pay, be deemed guilty of a misdemeanor, and upon conviction therefor, shall each be fined in any sum not less than one hundred nor more than one thousand dollars.

SEC. —. In all prosecutions under this act the same may be prosecuted against defendants jointly or severally, as the prosecuting attorney may elect.

An act to prevent the issue and circulation of unauthorized paper currency, and to provide for the redemption of such as has been heretofore issued, or may hereafter be issued for circulation, and for the protection of depositors with bankers and brokers, and to compel the redemption of bank notes, and the payment of deposits under penalties, and providing for the punishment of brokers and bankers, and others violating the provisions of this act.

Mr. Heffren moved to lay the amendment on the table.

The ayes and noes were demanded by Senators Heffren and Murray.

*Those who voted in the affirmative were,*

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, Miller, Murray, O'Brien, Odell, Rice, Steele, Stevens, Tarrington, Wagner, Wallace, Williams and Wilson—36.

*Those who voted in the negative were,*

Messrs. Anthony, Conley, Craven, Gooding, Hendry, Jones, March, Robinson, Shoemaker, Slack, Thompson, Turner and Weir—13.

So the amendment was laid on the table.

Mr. Wallace moved to lay the bill on the table.

The ayes and noes being demanded by Senators Gooding and Heffren.

*Those who voted in the affirmative were,*

Messrs. Cobb, Craven, Gooding, Hendry, Wallace, Weir and Williams—7.

*Those who voted in the negative were,*

Messrs. Anthony, Bennett, Beeson, Blair, Bobbs, Brown, Carnahan, Conley, Conner, Cooper, Cravens, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Wilson—42.

So the bill was not laid on the table.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—47.

Senators Gooding and Weir voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Cravens,  
The order of business was suspended, and  
Mr. Cravens offered the following preamble and resolution :

WHEREAS, The State of Indiana has been and is now unrepresented in the Senate of the United States ; AND WHEREAS, there is now no law other than the constitution of the United States and of this State, providing for a choice by the Legislature of this State ; AND WHEREAS, it is essential that this Legislature should choose such Senators at its present session.

*Be it resolved,* By the Senate, the House of Representatives concurring therein—

*First.* That the Senate and House of Representatives shall, upon the passage of this resolution by either house, proceed immediately



to the choice of two persons to represent this State in the Senate of the United States, and that a majority of each House shall be necessary to such choice.

*Second.* That each person who shall receive a majority of the votes given in both houses of this Legislature shall be declared duly elected to represent the State of Indiana in the Senate of the United States, the person first chosen shall be declared elected from the date of the election herein provided, and shall serve as such Senator until the 4th of March, 1863, and the person next chosen shall in like manner serve as such Senator until the 4th March, 1861.

*Third.* The Secretary of the Senate and the Clerk of the House of Representatives shall, immediately upon the choice as herein provided by the respective Houses, certify the same to the Secretary of State, who shall certify the same under the seal of State to the Vice President of the United States, and also furnish to each of the persons so chosen as herein provided, when application is made by such person or persons, or others for them, copies of their election or choice as such Senators.

*Fourth.* The said Secretary of State shall also furnish with the certificate as herein provided, a copy of this resolution and the vote of each House thereon.

The President deciding the preamble and resolution to be out of order,

Mr. Cravens appealed from the decision of the President as follows :

The President of the Senate having decided that a resolution providing for the election of United States Senators, submitted by the Senator from Jefferson, to be out of order, I respectfully appeal from such decision to the Senate.

JOHN R. CRAVENS.

On motion by Mr. Wallace,  
A call of the Senate was ordered.

The Secretary proceeded with the call,  
Whereupon,  
All the Senators answering to their names,  
The further call was dispensed with.

Mr. Slack moved to lay the appeal on the table.

The ayes and noes being demanded by Senators March and Bennett.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Slack, Studabaker, Tarkington and Williams—18.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Shoemaker, Steele, Stevens, Thompson, Turner, Wagner, Wallace, Weir and Wilson—32.

So the appeal was not laid on the table.

The question being, shall the decision of the chair stand as the judgment of the Senate?

The ayes and noes being demanded by Senators Slack and Murray.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—22.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—27.

Mr. Cobb was present and refused to vote.

So the decision of the President was not sustained.

Mr. Johnston moved to strike the preamble from the resolution. Which was not agreed to.

The question being, shall the preamble and resolution be adopted?

The ayes and noes being demanded by Senators Bennett and Hendry.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—24.

So the preamble and resolution were adopted.

Whereupon, Mr. Cravens nominated Henry S. Lane for Senator in Congress for the State of Indiana, to serve as such in the Senate of the United States from the date of his election until the 4th day of March, A. D., 1863.

*Those who voted for Henry S. Lane were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

The following Senators were in their seats and refused to vote :

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—23.

So Henry S. Lane received a majority of the votes of the whole Senate for the office of Senator in Congress for the State of Indiana, from the date of his election until the 4th day of March, A. D., 1863.

Mr. Jones nominated William M. McCarty as Senator in Congress for the State of Indiana, to serve as such in the Senate of the United States from the date of his election until the 4th day of March, A. D., 1861.

*Those who voted for William M. McCarty were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kin-

ley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

The following Senators were in their seats and refused to vote :

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—23.

So William M. McCarty received a majority of the votes of the whole Senate for the office of Senator in Congress for the State of Indiana, from the date of his election until the 4th of March, 1861.

On motion by Mr. March,  
The order of business was suspended, and  
The following messages from the House were taken up :

A message from the House, by Mr. Ryan, Principal Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution :

House Joint Resolution No. 4. A joint resolution directing the Treasurer of State to appropriate all the public money in his hands as therein provided, and directing the Governor, Auditor and Treasurer to borrow money of the Commissioners of the Sinking Fund or elsewhere, giving the preference to said fund.

In which the concurrence of the Senate is respectfully requested.

House Joint Resolution No. 4, contained in the foregoing message. Was read a first time.

Mr. Cravens moved to suspend the rules and read the joint resolution a second time now by title.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, McLean, March, Murray, Odell, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—38.

*Those who voted in the negative were,*

Messrs. Conley, Fisk, Heffren, Jennings, Lomax, McClure, Miller, O'Brien and Studabaker—9.

So the rules were suspended, and the joint resolution read a second time by its title.

Mr. Hamilton moved to suspend the rules and read the joint resolution a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Culver, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Kinley, Line, McLean, March, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—39.

*Those who voted in the negative were,*

Messrs. Conley, Fisk, Heffren, Lomax, McClure, O'Brien and Studabaker—7.

So the rules were suspended, and the joint resolution read a third time.

The question being, shall the joint resolution pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Cooper, Cravens, Craven, Culver, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, March, Murray, Odell, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Weir, Williams and Wilson—31.

*Those who voted in the negative were,*

Messrs. Conley, Conner, Fisk, Heffren, Jennings, Line, Lomax, McClure, Studabaker and Tarkington—10.

So the joint resolution passed.

*Ordered,* That the Secretary inform the House thereof.

A message from the House, by Mr. Ryan, Principal Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed Senate bill No. 86, with the following engrossed amendments thereto:

Amend section 4 by adding the following:

*Provided, however,* That if any bill, note or promise to pay, as described in this act, shall be lost or destroyed or shall be in the possession of the person, company or corporation who issued the same, or any officer, or agent, or member of such company or corporation not having redeemed the same, the same may be sued upon as a lost instrument, and it shall not be necessary to produce upon trial such note or promise to pay.

Which engrossed amendment was concurred in.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed Senate bill No. 15, with the following engrossed amendment thereto, in which the concurrence of the Senate is respectfully requested.

Amend section 2 by adding the following:

*Provided, however,* That nothing in this act shall be so construed as to effect any plank, gravel and McAdamized roads in any manner whatever, where the same has been leased or sold to any person or persons, or corporation, and has not been abandoned by any such person or corporation.

Which engrossed amendment was concurred in.

Mr. Heffren moved a call of the Senate.

The Secretary proceeded with the call,  
Whereupon,

The following Senators answered to their names:

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Conley, Cooper, Cravens, Craven, Culver, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Kinley, Lomax, McClure, McLean, March, Murray, Odell, Robinson, Shoemaker, Steele, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—35.

On motion by Mr. March,  
The further call of the Senate was dispensed with.

On motion by Mr. Murray,  
The Senate adjourned.

THURSDAY MORNING, 9 o'clock, }  
December 23, 1858. }

The Senate met.

The reading of the Journal was dispensed with.

Mr. Wagner, chairman of the committee on education, made the following report:

MR. PRESIDENT :

The committee on education, to whom was referred Senate bill No. 25, "a bill to provide for the redemption or purchase of the bank bonds, and Indiana and other State stocks, and United States stocks, providing for the manner of doing the same, and defining the duty of certain officers connected therewith," have had the same under consideration, and have directed me to report it back, without amendment, and recommend that it be laid on the table for the present. The committee are favorably impressed with the principles of the bill, but as the remaining term of the present session will not allow any mature consideration of the measure, they are of opinion that further action thereon should be deferred to the regular session of this Legislature.

Which report was concurred in.

A message from the House, by Mr. Ryan, Principal Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has, by a *viva voce* vote, separately taken in the case of each, elected Henry S. Lane a Senator in the Congress of the United States, for the State of Indiana, to serve as such Senator

from the date of his said election until the 4th day of March in the year of our Lord one thousand eight hundred and sixty-three; and William M. McCarty a Senator in the Congress of the United States for the State of Indiana, to serve as such Senator from the date of his said election until the fourth day of March in the year one thousand eight hundred and sixty-one, and that the House of Representatives has thus concurred in the action of the Senate, choosing the same gentlemen Senators in the Congress of the United States to serve respectively as such for the terms aforesaid.

#### ORDERS OF THE DAY.

##### *House Bills on their Third Reading.*

House bill No. 18. A bill to amend section 18 of an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecution," approved May 29, 1852;

Was read a third time.

The question being, shall the bill pass?

##### *Those who voted in the affirmative were,*

Messrs. Bennett, Brown, Craven, Gooding, Green, Hargrove, Heffren, Jennings, Kinley, Line, O'Brien, Odell, Stevens, Wagner, Weir, and Wilson—16.

##### *Those who voted in the negative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Fisk, Hamilton, Hendry, Hill, Johnston, Jones, Lomax, McClure, March, Miller, Murray, Rice, Slack, Steele, Studabaker, Tarkington, Turner and Williams—28.

So the bill did not pass.

House bill No. 22. A bill providing for the re-appraisement of the unsold school lands in this State;

Was read a third time.

The question being, shall the bill pass?

##### *Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller,



Murray, O'Brien, Odell, Robinson, Slack, Steele, Stevens, Tarkington, Turner, Wagner, Weir, Williams and Wilson—43.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

House bill No. 36. A bill to amend the 1st section of an act entitled "an act providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished," approved February 12th, 1855, to authorize the court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned or special terms, and of prosecuting attorneys while in attendance upon the same ;

Was read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, March, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Wallace, Weir, Williams and Wilson—40.

*Those who voted in the negative were,*

Messrs. Conley, Fisk, Heffren, Jennings and McClure—5.

So the bill passed.

Mr. March moved to amend the title by striking out therefrom, "to fix the compensation of the judges and of prosecuting attorneys while in attendance upon such court."

Which was unanimously agreed to.

*Ordered*, That the Secretary inform the House thereof.

House bill No. 62. A bill for the punishment of officers of elections for refusing or neglecting to receive votes of legal voters ;

Was read a third time.

Mr. March moved to recommit the bill to a select committee with instructions to strike out the words "willfully or corruptly," and insert in lieu thereof, the words "knowingly and willfully or corruptly."

Which was agreed to ; and

The President appointed Senators March, Slack and Blair said select committee.

The President laid before the Senate the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, Dec. 23, 1858. }

HON. A. A. HAMMOND,

*President of the Senate:*

SIR:—In reply to the Senate resolution of yesterday, "That the Auditor of State be instructed to report to the Senate by what authority he has heretofore charged any person or persons any fee for the privilege of such person or persons examining the public books in his office, in regard to public matters, and the name of such person or persons, and the amount or amounts so charged, and the disposition by him made of the same," I have the honor to state that no person or persons have ever been charged any fee whatever for the privilege of examining the public books in this office.

I am sir, very respectfully,

Your obedient servant,

JOHN W. DODD,

*Auditor of State.*

House bill No. 40. A bill to relieve Nathan Rowley, of Vanderburgh county, from the consequences of certain legal proceedings had, and judgment rendered in the Vanderburgh circuit court, at the September term of said court in the year 1847, in an action wherein the State of Indiana on the relation of B. Mills, school commissioner, was plaintiff, and the said Nathan Rowley, former school commissioner, and others, his sureties, were defendants;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Craven, Cooper, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—49.

No Senator voting in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

A message from the House, by Mr. French, an Assistant Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred, with the Senate, in the following resolution:

*Resolved*, That the Senate will, the House concurring therein, adjourn *sine die* on Saturday, the 25th inst., at 10 o'clock A. M.

A message from the Governor, by Mr. Osbourne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

House bill No. 79. An act supplemental to an act entitled "an act to provide for the relocation of county seats, and for the erection of public buildings in case of such relocation," approved March 2d, 1855, so as to provide for the relocation of county seats, and for the erection and preparation of county buildings in counties where two thirds of the legal voters have petitioned therefor, designating a site and a house to be used as a court house, and where a deed has been executed; to provide also for the transfer of any equitable title for the termination of actions growing out of such relocation, and for the transfer of the former county property.

Senate bill No. 59. An act to amend section 3d of "an act regulating the licensing of pilots at the falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses," approved June 15th, 1852.

Senate Bill No. 5. An act to amend the 32d section "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

On motion by Mr. Wagner,  
The order of business was suspended, and  
The following message from the House taken up:

S. J.—21.

A message from the House, by Mr. Ryan, Principal Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

House bill No. 98. A bill providing for the election of a Board of Sinking Fund Commissioners, prescribing their duties, term of office, and compensation.

In which the concurrence of the Senate is respectfully requested.

House bill No. 98, contained in the foregoing message,

Was read a first time and passed to a second reading on to-morrow.

Mr. Slack, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred bill of the House No. 62, have requested me to report the same with the following amendments :

After the word "shall," in the fourth line of the first section, insert the words "knowingly and," and when so amended they recommend its passage.

Which report was concurred in.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Wallace, Weir, Williams and Wilson—44.

*Those who voted in the negative were,*

Messrs. Bennett, Culver and Jones—3.

So the bill passed.

*Ordered, That the Secretary inform the House thereof.*

A message from the House, by Mr. Ryan, its Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill therof :

House bill No. 60. A bill to amend the 6th section of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852.

In which the concurrence of the Senate is respectfully requested.

House bill No. 60, contained in the foregoing message,

Was read a first time, and passed to a second reading on to-morrow.

A message from the House, by Mr. French, an Assistant Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 101. A bill to secure to the Sinking Fund a debt which the State owes to said fund, and to provide for the payment of interest on said debt.

In which the concurrence of the Senate is respectfully requested.

House bill No. 101, contained the foregoing message,

Was read a first time.

Mr. Wagner moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cooper, Cravens, Culver, Green, Hamilton, Heffren, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Wallace, Weir, Williams and Wilson—42.

Mr. Hargrove voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

Mr. Tarkington moved to amend the bill by adding one hundred and sixty-five thousand dollars borrowed by the State to pay the July installment of interest on the State debt.

Mr. Heffren moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Tarkington and Conley.

*Those who voted in the affirmative were,*

Messrs. Anthony, Becson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Green, Hamilton, Heffren, Hill, Jennings, Jones, Kinley, Lomax, McClure, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Wagner, Wallace and Wilson—33.

*Those who voted in the negative were,*

Messrs. Conley, Hargrove, Johnston, Line, Slack, Tarkington and Williams—7.

So the amendment was laid on the table.

Mr. Studabaker moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Craven, Green, Hamilton, Heffren, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Studabaker, Tarkington, Wagner, Wallace, Williams and Wilson—37.

Mr. Hargrove voting in the negative.

So the rules were suspended, and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell,

Rice, Robinson, Shoemaker, Slack, Steele, Studabaker, Tarkington, Turner, Wagner, Wallace, Williams and Wilson—43.

No Senator voting in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

A message from the House, by Mr. Ryan, Principal Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to present the following joint resolution, for the signature of the President of the Senate:

House Joint Resolution No. 4. A joint resolution directing the Treasurer of State to appropriate all the public money in his hands as therein provided, and directing the Governor, Auditor and Treasurer to borrow money of the Commissioners of the Sinking Fund or elsewhere, giving the preference to said fund.

The President signed the joint resolution.

#### SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 46. A bill to amend the 9th section of an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bennett, Carnahan, Cobb, Conley, Craven, Gooding, Hargrove, Heffren, Line, Lomax, McClure, McLean, Murray, Steele and Williams—15.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Conner, Cooper, Culver, Green, Hill, Johnston, Jones, Kinley, March, Miller, O'Brien, Odell, Rice, Robinson, Shoemaker, Stevens, Tarkington, Turner, Wallace and Wilson—25.

So the bill did not pass.

The order of business was suspended, and  
 By unanimous consent,  
 Mr. Wagner introduced

Senate bill No. 110. A bill to vest in the assignees of the branches of the State Bank of Indiana the right to enforce in their own names, either before or after the expiration of the charter of said bank, the possession, collection and enjoyment of the assets so assigned, and to have legal process, and to give acquittances in their own names, and to secure to them other rights;

Which was read a first time, and passed to a second reading.

On motion by Mr. Heffren,  
 The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

On motion by Mr. Slack,  
 The order of business was suspended, and  
 The following message from the House was taken up :

A message from the House, by Mr. Ryan, Principal Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

House bill No. 104. A bill making specific appropriations for the year 1858.

In which the concurrence of the Senate is respectfully requested.

House bill No. 104, contained in the foregoing message,  
 Was read a first time.

Mr. Rice moved to suspend the rules and read the bill a second time now.



The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, Odell, Rice, Robinson, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Wallace, Williams and Wilson—41.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Johnston moved to amend the bill by striking out the word "four" wherever it occurs therein, and inserting "three."

Mr. Gooding moved to amend section 6 by striking out the word "assistant" and insert "principal."

On motion by Mr. Wallace,

The bill and pending amendments were referred to the committee on finance.

Mr. Wagner moved to suspend the rules and read

Senate bill No. 110. A bill to vest in the assignees of the branches of the State Bank of Indiana the right to enforce in their own names, either before or after the expiration of the charter of said bank, the possession, collection and enjoyments of the assets so assigned, and to have legal process, and to give acquittances in their own names, and to secure to them other rights,

A second time now.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Wallace, Williams and Wilson—42.

Senators Cobb and Miller voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

Mr. Wagner moved to suspend the rules, consider the bill as engrossed and that it be read a third time now.

The ayes and noes being taken under the constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conner, Cravens, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Wallace and Wilson—37.

Senator Williams voting in the negative.

So the rules were suspended, and the bill was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bennett, Beeson, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Johnston, Kinley, Lomax, McLean, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Tarkington, Turner, Wagner and Wilson—35.

*Those who voted in the negative were,*

Messrs. Conley, Line, McClure, Wallace and Williams—5.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

A message from the House, by Mr. French, an Assistant Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in Senate engrossed amendments to House bill No. 22, viz :

A bill providing for the re-appraisement of the unsold school lands in this State.

A message from the Governor, by Mr. Osbourne, Executive Messenger :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has approved and signed the following bills :

Senate bill No. 15. An act to authorize and empower the county commissioners, or board doing county business, to take possession of and control any and all plank, gravel and McAdamized roads in their respective counties, which may have been abandoned by the corporations constructing and maintaining the same.

Senate bill No. 86. An act to enable the holders of unauthorized paper money to collect the amount thereof from any person, company or corporation heretofore or hereafter issuing or aiding in the issue or circulation thereof.

Mr. Gooding moved to suspend the order of business and to take up Senate Joint Resolution No. 6.

Which was not agreed to.

The order of business was suspended, and

Mr. Cravens, from the committee on elections, made the following report :

MR. PRESIDENT :

The committee of elections, to which was referred the credentials of the newly elected members, beg leave to report that they have examined such credentials, and find the same to be correct, and now return them to the Senate and ask that they be preserved among its archives.

The order of business was suspended, and

Mr. Wallace, from a select committee, made the following report :

MR. PRESIDENT :

The special committee on heating arrangements for the Senate Chamber, respectfully report that have had the matter under consideration, and have taken the opinion of Joseph Curzen, Esq., skilled in the science, to the effect that it is possible to heat the Chamber from the basement by means of a furnace placed there, and that such plan is the best, and, ultimately, the most economical; in which opinion your committee concur.

Herewith is submitted the estimate of the cost of such an arrangement, furnished by Mr. Curzen.

Your committee, therefore, beg leave to submit the following resolution, and recommend its adoption :

*Resolved*, That Joseph Curzen be authorized and employed to proceed forthwith to set up a furnace, with the necessary ducts, &c., set out in his estimate herewith submitted, in the basement below the Senate Chamber, and, if possible, have the same completed by the meeting of the Legislature at its ensuing regular session.

*Estimate for heating and ventilating the Senate Chamber with R. A. Kerfoot's Wood Furnace.*

Furnace set up in brick work, all ready for attaching hot air and smoke pipes.....	\$450 00	
70 feet of hot air tin pipes 12 by 18, \$1 00.....	70 00	
25 feet smoke pipe, heavy sheet iron.....	12 50	
Bricklayers work, cutting flues, cellar windows, &c.....	60 00	
30 feet cold air duct.....	20 00	
Cast iron screen for duct.....	8 00	
Repairing plastering.....	25 00	
2 floor registers set in stone.....	16 00	
Carpenter's work, cutting and repairing.....	15 00	
2 ventilating ducts leading from the Senate Chamber to the roof.....	130 00	
		\$806 00
Architect's charge for superintending 5 per cent,		40 00
		<hr/> \$846 00

The patentee of the above furnace will guarantee it to give entire satisfaction for any considerable length of time, say five years or more, if required. It has been in use for several years and has given entire satisfaction wherever used. The furnace itself weighs 2,000 pounds, all heavy castings and attachments, calculated to last many years. The fire box is 4 feet, 4 inches long, to take in a cord stick without cutting.

Lotz's furnace, of Cincinnati, will cost \$250 less than the above.

Respectfully submitted,  
JOSEPH CURZEN, *Architect*.

The question being, shall the report of the committee be concurred in?

The ayes and noes being demanded by Senators Johnston and Green.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Gooding, Hamilton, Heffren, Hill, Jennings, Kinley, March, Murray, O'Brien, Odell, Rice, Slack, Tarkington, Turner, Wagner, Wallace and Wilson—28.

*Those who voted in the negative were,*

Messrs. Green, Hargrove, Johnston, Line, Lomax, McClure, Robinson, Shoemaker, Stevens, Studabaker and Wilson—11.

So the report was concurred in.

The order of business was suspended, and

Mr. Culver, from the committee on education, made the following report :

MR. PRESIDENT :

The committee, to whom was referred Senate bill No. 44, "a bill for the distribution, investment and safe-keeping of the school funds arising from the 114th section of an act establishing a State Bank, approved January 28th, 1834, and for the election of Sinking Fund Commissioners," have had the same under consideration, and have instructed me to report it back to the Senate and recommend it to be laid on the table.

Which report was concurred in.

Leave of absence was granted Mr. Line.

A message from the House, by Mr. French, an Assistant Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has refused to concur in the engrossed amendments of the Senate to House bill No. 36 :

House bill No. 36. A bill to amend the 1st section of an act entitled "an act providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished," approved February 12th, 1855, to authorize the court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned or special terms, and of prosecuting attorneys while in attendance upon the same.

Mr. Wallace moved that the Senate insist upon its amendments, and ask that a committee of free conference be appointed.

Which was agreed to.

On motion by Mr. Slack,

*Resolved*, That the favorable consideration of this Senate is due the Clerks, and their Assistants, the Door-keepers, and their Assist-

ants, for the prompt and impartial manner in which they have respectively performed their duties.

On motion by Mr. Murray,

*Resolved*, That the thanks of this Senate are hereby tendered to the Hon. A. A. Hammond, President of the Senate, for his prompt and impartial discharge of the duties of the chair.

A message from the House, by Mr. Ryan, its Clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House of Representatives has passed engrossed bill of the Senate No. 102 :

A bill to continue the present board of Sinking Fund Commissioners, consisting of a President and four Commissioners, and one Clerk, from the first of January, 1859, to the first Monday of April, 1859, and until their successors are elected and qualified, with the following engrossed amendments thereto :

Strike out the first section and insert the following in lieu thereof, viz :

“SEC. 1. That the office of President of the Sinking Fund, and that of the four Commissioners of said fund, and that of the Clerk of the Sinking Fund is hereby continued until the first Monday in April, A. D., 1859.

Amend by striking out the title and inserting the following as a title to the bill :

“An act to continue the office of a President, four Commissioners and Clerk of the Sinking Fund until the first Monday of April, 1859.”

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Wagner,

The bill and pending amendments, contained in the foregoing message, were referred to a select committee of three.

The President appointed Senators Wagner, Anthony and Wallace said select committee.

A message from the House, by Mr. Ryan, its Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed Senate bill No. 110, without amendment:

A bill to vest in the assignees of the Branches of the State Bank of Indiana the right to enforce in their own names, either before or after the expiration of the charter of said Bank, the possession, collection and enjoyment of the assets, so assigned, and to have acquittance in their own names, and to secure to them their rights.

On motion by Mr. Brown,

*Resolved*, That when the Senate adjourn, it adjourn till 7 o'clock, P. M.

A message from the House by Mr. French, an Assistant Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has appointed Messrs. Davis, Blythe and Harrison a committee of free conference to confer with a similar committee with the Senate in regard to engrossed amendments to House bill No 36.

The President appointed Senators Wallace, Conner and March said committee on the part of the Senate.

Mr. Wagner, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 102, "a bill to continue the present Sinking Fund Commissioners, consisting of a president and four commissioners and one clerk, from the 1st of January, 1859, to the first Monday in April, 1859, and until their successors are elected and qualified," have had the same under consideration and direct me to report the same back to the Senate, and recommend that the Senate refuse to concur in the engrossed amendment of the House.

Which report was concurred in, and

The President appointed Senators Hamilton, Anthony and Wagner, a committee of free conference on the part of the Senate, to confer with a similar committee on the part of the House, in relation thereto.

On motion by Mr. Wagner,  
The order of business was suspended, and

House bill No. 98. A bill providing for the election of Sinking

Fund Commissioners, prescribing their duties, term of office and compensation,

Was taken up.

Mr. Wagner moved to suspend the rules and to read the bill a second time now.

The ayes and noes being taken under the constitution.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Johnston, Jones, Kinley, McLean, March, Murray, Odell, Rice, Robinson, Steele, Stevens, Turner, Wagner and Wilson—29.

*Those who voted in the negative were,*

Messrs. Carnahan, Hargrove, Heffren, Jennings, Lomax, Miller, Shoemaker, Slack, Tarkington and Wallace—10.

So the rules were not suspended.

Mr. Hamilton, from a committee on free conference, made the following report :

MR. PRESIDENT :

The committee of free conference on the part of the Senate to whom was referred Senate bill No. 102, have had the same under consideration, and have directed me to report the same back and recommend that the Senate do not concur in House amendments thereto.

A message from the House, by Mr. French, an Assistant Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House refuses to recede from their amendments to Senate bill No. 102, and have appointed Messrs. Davis, Hunter and Branham as a committee on the part of the House to confer with a similar committee on the part of the Senate, in relation thereto.

A message from the House, by Mr. French, an Assistant Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Sen-



ate that the House recedes from its amendments to Senate bill No. 102. A bill to continue the present Board of Sinking Fund Commissioners, consisting of a President and four Commissioners, and one Clerk, from the 1st of January, 1859, to the 1st Monday of April, 1859, and until their successors are elected and qualified.

The order of business was suspended, and

Mr. Rice, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred House bill No. 104, "a bill making specific appropriations for the year 1857," have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendments, and when so amended, recommend its passage:

Amend as follows:

Strike out "four" and insert "three" in line ten, section 1.  
Strike out "four" and insert "three" in last line, section 4.  
Add "not exceeding twelve days" to section 6.  
Strike out "assistant" in section 6, and insert "principal."

Amend by adding the following sections and items:

SEC. —. That the following persons be allowed the following sums respectively, as allowances for attendance and mileage before the committee on bank frauds, appointed by the Senate at its session in 1857:

A. V. Bartholomew,			
For 300 miles travel.....	15	00	
Three days attendance.....	6	00	
			21 00
V. J. Burnett,			
For 146 miles travel.....	7	30	
Three days attendance.....	6	00	
			13 30
George W. Monks,			
For 144 miles travel.....	7	20	
Three days attendance.....	6	00	
			13 20
D. C. Branham,			
For 172 miles travel.....	8	60	
Three days attendance.....	6	00	
			14 60

John Pettit,		
For 1 day's attendance.....		2 00
Cyrus K. Drew,		
For 390 miles travel.....	19 50	
Four days attendance.....	8 00	
	<hr/>	27 50
Meedy W. Shields,		
For 120 miles travel.....	6 00	
Three days attendance.....	6 00	
	<hr/>	12 00
O. P. Gilham,		
For 300 miles travel.....	15 00	
Three days attendance.....	6 00	
	<hr/>	21 00
David S. Lewis,		
For 270 miles travel.....	13 50	
Three days attendance.....	6 00	
	<hr/>	19 50
James M. Ray,		
For 2 days attendance.....		4 00
David Crane		
For 228 miles travel.....	11 40	
Three days attendance.....	6 00	
	<hr/>	17 40
A. W. Sandford,		
For 150 miles travel.....	7 50	
Three days attendance.....	6 00	
	<hr/>	13 50
George C. Clark,		
For 90 miles travel .....	4 50	
Three days attendance.....	6 00	
	<hr/>	10 50
James Dick,		
Three days attendance .....		6 00
Tho. D. Foutz,		
For 216 miles travel .....	10 80	
Three days attendance .....	6 00	
	<hr/>	16 80

Sol. Meredith,		
For 106 miles travel.....	\$5 30	
Two days attendance.....	4 00	
	<hr/>	\$9 30
E. Dumont,		
For 2 days attendance .....		4 00
Townsend Cutshaw,		
For 288 miles travel .....	14 40	
Four days attendance.....	8 00	
	<hr/>	22 40
Tho. G. Harris,		
For 400 miles travel.....	20 00	
Five days attendance.....	10 00	
	<hr/>	30 00
David Kilgore,		
For 1 days attendance.....		2 00
David Cain,		
For 200 miles travel .....	10 00	
Three days attendance .....	6 00	
	<hr/>	16 00
R. Schoonover,		
For 290 miles travel .....	14 50	
Four days attendance .....	8 00	
	<hr/>	22 50
Samuel I. Anthony,		
For 308 miles travel .....	15 00	
Three days attendance .....	6 00	
	<hr/>	21 00
Amzi L. Wheeler,		
For 2 days attendance.....		4 00
J. W. Hervey,		
For 30 miles travel.....	1 50	
One days attendance.....	2 00	
	<hr/>	3 50
Samuel Burson,		
For 1 day's attendance .....		2 00
Harris Reynolds,		
For 1 day's attendance .....		2 00
S. J.—22.		

P. A. Hackleman,			
For 92 miles travel .....	4 60		
Three days attendance .....	6 00		
		<hr/>	10 60
John L. Robinson,			
For 92 miles travel.....	4 60		
One day's attendance.....	2 00		
		<hr/>	6 60
John Coburn,			
For 3 days attendance.....			6 00
John Hunt,			
For 134 miles travel .....	6 70		
Three days attendance . .....	6 00		
		<hr/>	12 70
John P. C. Shanks,			
For 180 miles travel.....	9 00		
Three days attendance .....	6 00		
		<hr/>	15 00
Michael G. Bright,			
For 172 miles travel .....	8 60		
Three days attendance .....	6 00		
		<hr/>	14 60
D. M. Dunn,			
For 140 miles travel .....	7 00		
Three days attendance .....	6 00		
		<hr/>	13 00
James M. Mathes,			
For 218 miles travel .....	10 90		
Three days attendance .....	6 00		
		<hr/>	16 90
Charles S. Ellis,			
For 200 miles travel .....	10 00		
Four days attendance .....	8 00		
		<hr/>	18 00
John F. Sims,			
For 56 miles travel.....	2 80		
Two days attendance.....	4 00		
		<hr/>	6 80

James S. Wood,		
For 300 miles travel.....	15 00	
Three days attendance.....	6 00	
	<hr/>	21 00
Isaac VanDevanter,		
For 1 day's attendance.....		2 00
A. S. Griggs,		
For 92 miles travel.....	4 60	
Three days attendance.....	6 00	
	<hr/>	10 60
John McCord,		
For 280 miles travel.....	14 00	
Three days attendance.....	6 00	
	<hr/>	20 00
W. W. Williams,		
For 72 miles travel.....	3 60	
Two days attendance.....	4 00	
	<hr/>	7 60
John Foster,		
For 1 day's attendance.....		2 00
James F. Suit,		
For 1 day's attendance.....		1 00
George W. Harryman,		
For 200 miles travel.....	10 00	
Three days attendance.....	6 00	
	<hr/>	16 00
James McMurry,		
For 80 miles travel.....	4 00	
Three days attendance.....	6 00	
	<hr/>	10 00
Austin H. Brown,		
For 1 day's attendance.....		2 00
A. F. Morrison,		
For 2 days attendance.....		4 00
James F. Parker,		
For 186 miles travel.....	9 30	
Four days attendance.....	8 00	
	<hr/>	17 30

Henry Bigler,		
For 1 day's attendance.....		2 00
George C. Merrifield,		
For 382 miles travel.....	19 10	
Three days attendance.....	6 00	
	<hr/>	25 10
Washington Malick,		
For 138 miles travel.....	6 90	
Three days attendance.....	6 00	
	<hr/>	12 90
Isaac W. Tackitt,		
Two days attendance.....	4 00	
For 44 miles travel.....	2 20	
	<hr/>	6 20
John D. Montgomery,		
For 100 miles travel. ....	5 00	
Three days attendance.....	6 00	
	<hr/>	11 00
E. Ellis Campbell,		
For 1 day's attendance.....		2 00
Milton Gregg,		
For 224 miles travel.....	11 20	
Three days attendance.....	6 00	
	<hr/>	17 20
John Weston,		
For 400 miles travel.....	20 00	
Three days attendance.....	6 00	
	<hr/>	26 00
A. P. Clark,		
For 396 miles travel.....	19 80	
Five days attendance.....	10 00	
	<hr/>	29 80
J. F. Brothwell,		
For 400 miles travel.....	20 00	
Three days attendance.....	6 00	
	<hr/>	26 00
J. H. Thomas,		
For 190 miles travel.....	9 50	
Four days attendance.....	8 00	
	<hr/>	17 50

A. R. McCleery,			
For 170 miles travel.....	8 50		
Three days attendance.....	6 00		
		<hr/>	14 50
James P. Drake,			
For 1 days attendance.....			2 00
James H. Weir,			
For 240 miles travel ...	12 00		
Three days attendance .....	6 00		
		<hr/>	18 00
Charles H. Test,			
For 1 day's attendance.....			2 00
Tho. L. Smith,			
For 1 day's attendance.....			2 00
John Hunt, of Madison,			
For 68 miles travel.....	3 40		
Two days attendance.....	4 00		
		<hr/>	7 40
William Petty,			
For 1 day's attendance.....			2 00
Samuel H. Patterson,			
For 216 miles travel .....	10 80		
Five days attendance.....	10 00		
		<hr/>	20 80
W. Baker,			
For 390 miles travel .....	19 50		
Four days attendance.....	8 00		
		<hr/>	27 50
A. P. Willard,			
For 1 day's attendance .....			2 00
Calvin Fletcher,			
For 2 days attendance.....			4 00
Wm. T. Dennis,			
For 136 miles travel.....	6 80		
Three days attendance.....	6 00		
		<hr/>	12 80

Tho. Dowling,			
For 140 miles travel .....	7 00		
Three days attendance.....	6 00		
	<hr/>		13 00
George M. Jerolaman,			
For 1 day's attendance .....			2 00
W. H. Talbott,			
For 2 days attendance .....			4 00
John S. Spann,			
For 1 day's attendance .....			2 00
S. H. Buskirk,			
For 1 day's attendance.....			2 00
E. D. Taylor,			
For 1 day's attendance .....			2 00
J. S. Harvey,			
For 1 day's attendance .....			2 00
Samuel Judah,			
For 272 miles travel.....	13 60		
Three days attendance.....	6 00		
	<hr/>		19 60
Jacob R. Hall,			
For 320 miles travel.....	16 00		
Three days attendance .....	6 00		
	<hr/>		22 00
John D. Defrees,			
For 3 days attendance .....			6 00
Swan Brookshire,			
For 126 miles travel .....	6 30		
Three days attendance.....	6 00		
	<hr/>		12 30
James Montgomery,			
For 224 miles travel .....	11 20		
For 3 days attendance .....	6 00		
	<hr/>		17 20
Charles D. Murray,			
For 110 miles travel .....	5 50		
Four days attendance.....	8 00		
	<hr/>		13 50



R. N. Hudson,	
For 1 day's attendance .....	2 00

SEC. — That Hon. Horace Heffren, Walter March, James E. Wilson, David S. Gooding and John S. Bobbs be each allowed four dollars per day for the period of thirty five days each, as a committee on bank frauds of the last session, sitting during vacation.

SEC. — That Cameron & McNeely be allowed the sum of one hundred and six dollars and thirty-five cents for paper furnished the Senate.

SEC. — That Messrs. Anthony, Weir, McLean, Rice, Hill, Jennings, Bennett, Wagner, Cooper and Gooding, committee on State prison, be allowed each the sum of sixteen dollars and fifty cents for expenses in visiting said prison.

To John M. Pound, Sheriff of Clark county, for services, the sum of .....	50
To Milo D. Ellis, Sheriff of Wabash county, for services, the sum of .....	1 40
To A. J. Redman, Sheriff of Tipton county, for services, the sum of .....	50
To John D. Wilson, Sheriff of Decatur county, for services, the sum of., .....	50
To William Campbell, Sheriff of Randolph county, for ser- vices, the sum of... ..	60
To William B. Low, Sheriff of Union county, for services, the sum of.....	1 00
To A. S. Jones, Sheriff of Warren county, for services ....	1 30
To William Fleming, Sheriff of Allen county, for services, the sum of.....	50
To J. H. Johnson, Sheriff of Owen county, for services, the sum of .....	1 60
To Thomas Lyon, Sheriff of Fountain county, for services, the sum of.....	1 30
To Silas H. Hackleberry, Sheriff of Jennings county, for services, the sum of.....	1 40
To Joshua F. McDowell, Sergeant-at-Arms, for services as such, the sum of.....	631 05
And as compensation for correspondence with Sheriffs, the further sum of .....	15 00
To D. C. Shanks, Assistant Sergeant-at-Arms, for his ser- vices, the sum of .....	179 40
To F. A. McDowell, Assistant Sergeant-at-Arms, for his services, the sum of.....	53 90
To George W. Burns, Assistant Sergeant-at-Arms, for his services, the sum of.....	5 00
To ——— Beech, Assistant Sergeant-at-Arms, for his servi- ces, the sum of.....	6 20

To George W. Randall, Assistant Sergeant-at-Arms, for his services, the sum of.....	14 40
To John Rea, Assistant Sergeant-at-Arms, for his services, the sum of.....	7 70
To John S. Dew, Assistant Sergeant-at-Arms, for his services, the sum of .....	2 60
To J. W. Plummer, Assistant Sergeant-at-Arms, for his services, the sum of.....	7 20
To John L. Menaugh, Assistant Sergeant-at-Arms, for his services, the sum of.....	30 00
To Andrew McKenzie, Assistant Sergeant-at-Arms, for services, the sum of.....	3 20
To S. H. Casky, Sheriff of Rush county, for services, the sum of.....	1 80
To James W. Brodie, Sheriff of Sullivan county, for services, the sum of .....	2 60
To R. M. Salyas, Sheriff of Jefferson county, for services, the sum of.....	1 86
To Martin Anthens, Sheriff of Knox county, for services, the sum of.....	1 60
To John Wertz, Sheriff of Knox county, for services, the sum of.....	20
To Peter Bowman, Deputy Sheriff of Steuben county, for services, the sum of.....	1 80
To Wm. McCleary, Sheriff of Fayette county, for services, the sum of.....	1 40
To Enoch Bougham, Sheriff of Jackson, for services, the sum of.....	1 50
To H. Keeny, Sheriff of Switzerland county, for services, the sum of.....	50
To Wilson K. McElheny, Sheriff of Cass county, for services, the sum of.....	50

SEC. —. That E. J. Baldwin & Co. be allowed the sum of four dollars for thermometers furnished for the Legislature.

SEC. —. That Julius Boetticher be allowed the sum of thirty-three dollars for the Weekly Volksblatt furnished the Senate.

SEC. —. That — Henninger be allowed the sum of thirty-three dollars for the Weekly Free Press furnished the Senate.

SEC. —. That Pat McLaughlin be allowed the sum of seventy-eight dollars for services in assisting the State Librarian.

SEC. —. That Lary Kennedy be allowed the sum of thirty-six dollars for sweeping State House.

SEC. —. That the Indianapolis Journal Company be allowed the sum of two hundred and eighty-eight dollars for papers furnished the Senate.

SEC. —. That the Indiana Sentinel Company be allowed the sum of three hundred and eighty-eight dollars for Daily Sentinel and Legislative Sentinel furnished the Senate.

SEC. — That T. A. Goodwin be allowed the sum of forty-nine dollars and fifty cents for the Indiana American furnished the Senate.

SEC. — That Kline G. Shryock be allowed mileage and per diem of a member for fifteen days.

SEC. — That Robert Browning be allowed the sum of fifty cents for articles furnished for the use of the Senate.

SEC. — That John Ott be allowed the sum of fourteen dollars for chairs furnished for the use of Senate.

SEC. — That H. J. Bradshaw be allowed the sum of four dollars and fifty-five cents for articles furnished for the use of the Senate.

SEC. — That Geo. H. Johnson be allowed the sum of four dollars and sixty cents for articles furnished for the use of the Senate.

SEC. — That Merrill & Co. be allowed the sum of eight dollars for stationery furnished for the use of the Senate.

SEC. — That A. B. Willard & Co. be allowed the sum of three dollars for articles furnished for the use of the Senate.

Mr. Slack moved to concur in the report with the following amendment:

Amend by striking out "three" and inserting "four," so as to allow four dollars per day to the Assistants of the Principal and Assistant Secretaries and Clerks.

Mr. Johnston moved to further amend by striking out "four" wherever it occurs in said bill before the word "dollars" and to insert instead thereof, "three."

Mr. Bennett moved to lay the amendment to the amendment on the table.

The ayes and noes were demanded by Senators Johnson and Williams.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Cravens, Culver, Green, Hamilton, Heffren, Hill, Jones, Kinley, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson Slack, Steele, Stevens, Tarkington, Turner, Wagner, Wallace and Wilson—31.

*Those who voted in the negative were,*

Messrs. Carnahan, Conley, Conner, Craven, Gooding, Hargrove, Jennings, Johnston, Lomax, Miller, Shoemaker, Studabaker, and Williams—13.

So the amendment to the amendment was laid on the table.

Mr. Heffren moved to amend the amendment so as to allow all the Secretaries, Clerks and Door-keepers, four dollars each per day.

Mr. Jones moved to lay the amendment and the amendment to the amendment on the table.

Mr. Heffren called for a division of the question.

The question being, shall the amendment to the amendment be laid on the table?

The ayes and noes were demanded by Senators Heffren and Wallace.

*Those who voted in the affirmative were,*

Messrs. Beeson, Carnahan, Conley, Conner, Craven, Culver, Gooding, Hamilton, Hargrove, Jennings, Johnston, Jones, Kinley, Lomax, March, Odell, Robinson, Shoemaker, Studabaker, Turner, Wallace, Williams and Wilson—23.

*Those who voted in the negative were,*

Messrs. Anthony, Bennett, Bobbs, Brown, Cobb, Cravens, Green, Heffren, Hill, McClure, McLean, Murray, O'Brien, Rice, Slack, Steele, Stevens, Tarkington and Wagner—20.

So the amendment to the amendment was laid on the table.

The question being, shall the amendment be laid on the table?

The ayes and noes were demanded by Senators Johnston and Conley.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Conley, Craven, Gooding, Green, Hargrove, Jennings, Johnston, Jones, Lomax, Robinson, Shoemaker, Studabaker, Turner, Williams and Wilson—16.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Culver, Hamilton, Heffren, Hill, Kinley, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Slack, Steele, Stevens, Tarkington, Wagner and Wallace—28.

So the amendment was not laid on the table.

Mr. Gooding moved to reconsider the vote by which Mr. Heffren's amendment, proposing to allow the Door-keepers and Assistants four dollars per day, was laid on the table.

The ayes and noes were demanded by Senators Johnston and Williams.

*Those who voted in the affirmative were,*

Messrs. Anthony, Bobbs, Cravens, Gooding, Heffren, Murray, Rice, Robinson, Slack, Steele and Stevens—11.

*Those who voted in the negative were,*

Messrs. Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Craven, Culver, Green, Hamilton, Hargrove, Hill, Jennings, Johnston, Jones, Kinley, Lomax, McClure, McLean, March, Miller, Odell, Shoemaker, Studabaker, Tarkington, Turner, Wallace, Williams and Wilson—31.

So the motion to reconsider was not agreed to.

Mr. Tarkington moved to amend the bill by allowing Augustus Holtzman for six days' services as Assistant Sergeant-at-arms during the session of 1857, the sum of twenty-four dollars,

Which was agreed to.

Mr. Slack moved to amend the section which provides for the pay of the Clerks to the committees, so that their *per diem* should be the same as the Clerks of the Senate,

Which was not agreed to.

Mr. Bobbs moved to amend so as to allow Jeremiah Shea one hundred and eight dollars for services in conveying the mail for both Houses of the General Assembly during the present session,

Which was agreed to.

The report of the committee, as amended, was concurred in.

Mr. Heffren moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the Constitution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Jones, Kinley, Lomax, McClure, McLean, March, Miller, Murray, Odell, Rice, Robinson, Slack, Steele, Stevens, Tarkington, Turner, Wagner, Wallace and Wilson—39.

Dec. 23.

Senators Johnston and Williams voting in the negative.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Cobb, Cravens, Culver, Gooding, Hamilton, Heffren, Hill, Jones, Kinley, Lomax, McClure, McLean, March, Murray, Odell, Rice, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wallace and Wilson—29.

*Those who voted in the negative were,*

Messrs. Beeson, Carnahan, Conley, Conner, Hargrove, Jennings, Johnston, Miller, Robinson, Wagner and Williams—12.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Heffren,  
The Senate adjourned.

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7 o'clock, P. M.

The Senate met.

On motion by Mr. Heffren,

*Resolved*, That the Secretary of the Senate be directed to keep all Senate bills in his possession until the next session of the Senate, and then deliver them to the Senators who introduced the same, upon their request therefor.

A message from the House, by Mr. French, an Assistant Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to present House bills 62 and 22 for the signature of the President and Secretary of the Senate.

The President and Secretary signed the bills.

Mr. Blair, chairman of the committee on county and township business, made the following report :

MR. PRESIDENT :

The committee on county and township business return to the Senate herewith sundry bills and resolutions to them referred, and which have not been acted upon for want of time.

Which report was concurred in by unanimous consent.

On motion by Mr. Conner,  
The order of business was suspended, and

Senate Joint Resolution No. 6. A joint resolution disapproving of the course of Hon. Jesse D. Bright and Graham N. Fitch in the Senate of the United States on the Lecompton Constitution,  
Was read a third time.

The question being, shall the joint resolution pass ?

*Those who voted in the affirmative were,*

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Conley, Cravens, Craven, Culver, Gooding, Green, Hill, Jones, Kinley, March, Murray, Odell, Robinson, Steele, Stevens, Turner, Wagner and Wilson—25.

Mr. Studabaker voting in the negative.

Mr. Hamilton and Mr. Williams were present and refused to vote.

Mr. Gooding moved a call of the Senate.

The Secretary proceeded with the call,

Whereupon,

The following Senators answered to their names :

Messrs. Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Jones, Kinley, Lomax, McClure, March, Murray, Odell, Robinson, Shoemaker, Slack, Stevens, Studabaker, Turner, Wagner, Williams and Wilson—31.

On motion by Mr. Wagner,  
The further call of the Senate was suspended.

Leave being granted,  
On motion by Mr. Bobbs,

*Resolved*, That A. F. Shortridge be directed to procure a supply of wood during the adjournment of the present General Assembly.

On motion by Mr. Bobbs,

*Resolved*, That the use of the Senate Chamber be allowed to the "Indiana Association for the Promotion of Science" during the interval between the sessions.

Leave being granted,  
Mr. Gooding, chairman of the committee on temperance, made the following report:

MR. PRESIDENT :

The committee on temperance, to whom was referred Senate bill No. 8, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend striking out all after the enacting clause and substitute the accompanying bill, and recommend its passage.

Which was concurred in.

Senate bill No. 111. A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and to punish the same; and to repeal all former laws conflicting with the provisions of this act, contained in the foregoing report,

Was read a first time.

On motion by Mr. Jennings,

The bill was laid on the table, and 500 copies ordered to printed for the use of the Senate.

Leave of absence was granted to Senators McClure, Heffren, Carnahan, Conley and Studabaker for the balance of the session.

A message from the Governor, by Mr. Osbourne, Executive Messenger :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has approved and signed the following bills :



Senate bill No. 6. An act to cure defects in the execution of deeds, or in the certificates of acknowledgments of conveyances of real estate, or any interest therein named, and doing away with a seal or ink scroll in the cases therein named, and to repeal conflicting laws.

Senate bill No. 110. An act to vest in the assignees of the branches of the State Bank of Indiana the right to enforce in their own names, either before or after the expiration of the charter of said bank, the possession, collection or enjoyment of the assets so assigned, and to have legal process, and to give acquittances in their own names, and to secure to them other rights.

House bill No. 62. An act for the punishment of officers of elections for refusing or neglecting to receive votes of legal voters.

House bill No. 22. An act providing for the re-appraisement of the unsold school lands in this State.

Mr. Wagner moved to suspend the order of business, and take up a message from the House.

Mr. Wagner moved a call of the Senate.

The Secretary proceeded with the call,  
Pending which,

Mr. Wagner moved that the further call of the Senate be suspended.

The ayes and noes were demanded by Senators Heffren and Carnahan.

*Those who voted in the affirmative were,*

Messrs. Beeson, Bennett, Blair, Bobbs, Conner, Cravens, Craven, Green, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Shoemaker, Steele, Stevens, Turner and Wagner—19.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Lomax, McClure, Odell, Slack, Studabaker, Williams and Wilson—15.

So the further call was dispensed with.

Mr. Heffren moved to lay the motion to take up House message on the table.

The ayes and noes being demanded by Senators Studabaker and Heffren.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Conley, Hamilton, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, Odell, Shoemaker, Slack, Studabaker and Williams—14.

*Those who voted in the negative were,*

Messrs. Beeson, Bennett, Blair, Bobbs, Cobb, Conner, Cravens, Craven, Gooding, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Turner, Wagner and Wilson—23.

So the motion was not laid on the table.

Mr. Studabaker moved to amend the motion to take up the House message by taking up the specific appropriation bill.

Mr. March moved to lay the motion on the table.

The ayes and noes being demanded by Senators Heffren and Studabaker.

*Those who voted in the affirmative were,*

Messrs. Beeson, Bennett, Blair, Bobbs, Conner, Cravens, Craven, Gooding, Green, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Turner and Wagner—20.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Hamilton, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, Odell, Shoemaker, Slack, Studabaker, Williams and Wilson—16.

So the motion was laid on the table.

The question being, shall the motion to take up the House message be adopted?

The ayes and noes being demanded by Senators Heffren and Studabaker.

*Those who voted in the affirmative were,*

Messrs. Beeson, Bennett, Blair, Bobbs, Conner, Cravens, Craven, Gooding, Green, Hill, Jones, March, Murray, Rice, Robinson, Steele, Stevens, Turner and Wagner—19.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Connelly, Hamilton, Hargrove, Heffren, Jennings, Johnston, Kinley, Lomax, McClure, Odell, Shoemaker, Slack, Studabaker, Williams and Wilson—17.

So the motion to take up the House message was adopted.

And the following message from the House was taken up:

A message from the House, by Mr. Ryan, Principal Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, By this House, the Senate concurring, that the laws of this session of the Legislature, as well as the Journals thereof, be not published until after the next regular session, and that they then be published with the laws and Journals of that session.

In which the concurrence of the Senate is respectfully requested

The President deciding the resolution contained in the foregoing message to be out of order,

Mr. Wagner appealed from said decision.

Mr. Studabaker moved to lay the appeal on the table.

The ayes and noes being demanded by Senators Bennett and Wagner.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Hamilton, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, McLean, Odell, Shoemaker, Slack, Studabaker, Wallace, Williams and Wilson—18.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Gooding, Green, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Turner and Wagner—22.

So the appeal was not laid on the table.

The question being, shall the decision of the Chair stand as the judgment of the Senate.

S. J.—23.

The ayes and noes being demanded by Senators Wagner and Studabaker.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cobb, Conley, Hamilton, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, McLean, Odell, Shoemaker, Slack, Studabaker, Wallace and Wilson—18.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Gooding, Green, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Turner and Wagner—22.

So the decision of the Chair was not sustained.

The question being, will the Senate concur in the resolution of the House.

The ayes and noes being demanded by Senators Heffren and Wagner.

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Gooding, Green, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Turner and Wagner—22.

*Those who voted in the negative were,*

Messrs. Carnahan, Cobb, Conley, Hamilton, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, McLean, Odell, Shoemaker, Slack, Studabaker, Wallace, Williams and Wilson—18.

So the resolution of the House was concurred in.

On motion,

The following message from the House was taken up :

A message from the House, by Mr. Ryan, Principal Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in sundry Senate amendments to House bill No. 104, viz :

A bill to make specific appropriations for the year 1858, and that they refuse to concur in the following :

Amend section — by striking out “one hundred and eight dollars and insert “thirty-six dollars” after the words, “Jeremiah Shea shall be allowed the sum of.”

Strike out the allowances made Pat. McLaughlin, Larry Kenedy and John Lannahan.

The Senate recessed from the foregoing engrossed amendments thereof.

On motion by Mr. Wallace,  
The order of business was suspended, and

Senate Joint Resolution No. 6. A joint resolution disapproving of the course of Hon. Jesse D. Bright and Graham N. Fitch in the Senate of the United States on the Lecompton Constitution,  
Was taken up.

Mr. Slack moved that the Senate now adjourn.

The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were,*

Messrs. Carnahan, Cravens, Heffren, Jennings, Lomax, McClure, Odell, Slack, Stevens, Studabaker and Williams—11.

*Those who voted in the negative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Craven, Gooding, Green, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Turner, Wagner, Wallace and Wilson—24.

So the motion to adjourn did not prevail.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Gooding, Green, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Turner, Wagner, Wallace and Wilson—26.

Senator Williams voting in the negative.

No quorum voting,

On motion by Mr. Murray,  
The Senate adjourned.

FRIDAY MORNING, 9 o'clock, }  
December 24, 1858.

The Senate met.

The reading of the Journal was dispensed with.

Mr. Rice, chairman of the committee on finance, made the following report :

MR. PRESIDENT :

The committee on finance, to whom were referred Senate bills 38, 72, 79 and 35, together with sundry resolutions, memorials, &c., not having time to complete said bills, resolutions, &c., have instructed me to report the same back to the Senate, and recommend that they lie on the table.

Which report was concurred in.

Mr. Green, chairman of the committee on swamp lands, made the following report :

MR. PRESIDENT :

The committee on swamp lands would respectfully submit the following report : They have been investigating the alledged frauds in the management of the swamp lands, and owing to the want of time have not made as full an examination as they would, had time permitted. They feel satisfied that a full investigation will show many frauds and mismanagements of the matter. They ask until the next session of the General Assembly to complete the investigation which they have commenced.

Which report was concurred in.

Mr. Gooding, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 14, have directed me to report the same back to the Senate and recommend that it lie on the table, there not being sufficient time to act thereon at this session.

Which report was concurred in.

Mr. Gooding, chairman of the committee on temperance, made the following report :

MR. PRESIDENT :

The committee on temperance, to whom was referred Senate bill No. 67, direct me to report the same back to the Senate, and recommend that the same be laid on the table, for want of time to act thereon.

Which report was concurred in.

Mr. March, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate bill No. 32, have had the same under consideration, and direct me to report the same back to the Senate and recommend that it lie on the table.

Which report was concurred in.

A message from the Governor, by Mr. Osbourne, Executive Messenger :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has approved and signed the following bills :

House bill No. 36. A bill to amend the 1st section of an act entitled "an act providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished," approved February 12th, 1855, to authorize the court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned or special terms, and of prosecuting attorneys while in attendance upon the same.

House Bill No. 104. An act making specific appropriations for the year 1858.

Mr. Cravens, chairman of the committee on the benevolent institutions, made the following report :

MR. PRESIDENT :

The committee on benevolent institutions, to which was referred sundry resolutions of inquiry and other matters pertaining to the duties of said committee, have had the same under consideration, but, from want of time, ask that the papers and other matters now in their hands may so remain, to be returned at the regular session of the Legislature,

Which report was concurred in.

On motion by Mr. Murray,

*Resolved*, That the Secretary of the Senate prepare and cause to be published in the city papers of this city a statement of all the acts and joint resolutions passed at this session of the General Assembly, designating those that are to be in force from passage and publication. This statement to embrace the number and titles of the acts and joint resolutions.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate Bill No. 10, have had the same under consideration, and direct me to report the same back to the Senate, and recommend that it lie on the table, with leave to the mover to withdraw the same,

Which report was concurred in.

On motion by Mr. Conner,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

Mr. Stevens, from the committee on printing, made the following report:

MR. PRESIDENT :

The committee on printing, to whom was referred Senate Bill No. 37, a bill to provide for the letting out of the State printing to the lowest bidder, and to provide for superintending the same, report that they have not had time to consider the subject, and refer it back to the Senate, and recommend that it lay on the table,

Which report was concurred in.



Mr. Stevens, chairman of the committee on printing, made the following report ;

MR. PRESIDENT :

The committee on printing, to whom was referred reply of the Secretary of State to a resolution of the Senate, asking him to inform the Senate by what authority his predecessor had printed with his annual report, &c., certain statistical matter, and the cost thereof, report the same back to the Senate and recommend that it lay on the table,

Which report was concurred in.

Mr. March, chairman of the committee on the judiciary, made the following report :

MR. PRESIDENT :

The judiciary committee, to whom was referred Senate Bill No. 17, have had the same under consideration, and directed me to report the same back and recommend that it lie on the table,

Which report was concurred in.

Mr. March offered the following preamble and resolution :

WHEREAS, It appears from the Journal of the Senate that House Bill No. 36, a bill to amend the first section of an act entitled "an act providing for extending the terms of the Circuit Courts by adjournment when the pending business shall be unfinished, approved February 12, 1855, to authorize the court or judge to call and hold special terms, and to provide for the compensation of the judges for holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same," did not pass the Senate, but was amended by the Senate, which amendments were not concurred in by the House ; therefore,

*Resolved*, That in the opinion of the Senate, said act is not entitled to be regarded as a law, and is null and void, although attested by the officers of the two Houses of the General Assembly and approved by the Governor,

Which was adopted.

On motion by Mr. Cravens,  
The Senate adjourned.

SATURDAY MORNING, 9 o'clock, }  
December 25, 1858. }

The Senate met.

The Journal of yesterday was read.

The following message from the House was received:

A message from the House by Mr. French, an Assistant Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution:

*Resolved*, That a committee of three be appointed, on the part of the House, to act with a similar committee on the part of the Senate, to wait upon his Excellency the Governor and inform him that the General Assembly have agreed to adjourn *sine die*, unless he has some further communications to make, and the Senate be informed of the adoption of this resolution, and that Messrs. Austin, Turpie, and Boxley have been appointed said committee.

The Senate concurred in the resolution, and the President appointed Senators March, Cravens and McClure the committee on the part of the Senate.

The committee retired for a short time, and on their return made the following report through Mr. March:

MR. PRESIDENT:

The committee appointed to wait on his Excellency, the Governor, have discharged that duty, and learn from him that he has no further communication to make to the General Assembly.

On motion by Mr. March,

*Resolved*, That the Secretary of the Senate be authorized to have one hundred copies of the "Legislative Sentinel" bound in a cheap binding for the use of the Senate, the price to be agreed upon in advance.

The following message from the House was received:

A message from the House by Mr. French, an Assistant Clerk thereof:

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has completed its business and is now ready to adjourn *sine die*.

Whereupon,

The President appropriately addressed the Senate for a short time, and pronounced the Senate adjourned *sine die*.

JAMES H. VAWTER,  
*Principal Secretary.*

JAMES N. TYNER,  
*Assistant Secretary.*



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# Amendments, subject matter of, proposed by—

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# Resolutions, subject matter of, introduced by—

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## Amendments, subject matter of, proposed by—

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Agreed to.....	85
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No. 61. A bill to repeal section 10, chapter 2, of an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof, approved June 11, 1852.....	166
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		Reported from the House.	Proceedings before passage.	Passed Senate.
5	A bill to amend the 6th section, and to repeal the 7th clause of the 7th section of "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13th, 1852.....	192	192, 197, 205, 300, 301	306
9	A bill to prevent the circulation of unauthorized paper currency, and for the redemption of such as has been heretofore issued, or may hereafter be issued, and for punishing the violators of the provisions of this act.....	233	257, 263, 264, 265, 289	
11	A bill repealing the 2d section of an act entitled "an act to authorize the formation of new counties, and to change county boundaries," approved March 7th, 1857.....	213	256, 294	
18	A bill to amend section 18 of an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecution," approved May 29, 1852.....	171	193	
19	A bill to secure the service of process in actions against corporations created by the General Assembly of this State, which have no officers or persons doing business in the county where they have been located, and have exercised corporate powers.....	172	193, 219	271
22	A bill providing for the reappraisal of the unsold school lands in the State.....	192	198, 246	319
23	A bill to repeal an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855.....	152	172, 220, 224	255
32	A bill to repeal an act authorizing the State of Illinois to maintain the feeder dam, and securing the use of the waters of the Olumet river, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof.....	192	198, 217	217
36	A bill to amend the first section of an act entitled "an act providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished," approved February 12, 1855; to authorize the court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned and special terms, and to pre-secuting attorneys while in attendance upon the same.....	-212	256, 295, 331	
38	A bill legalizing the acknowledgment of all deeds, mortgages and other instruments required to be recorded, taken and certified by the clerks of the circuit and common pleas courts of this State, after the reception of the revised statutes of 1852, in their respective counties.....	191	198	253
39	A bill to regulate the collection of judgments and the sale of property, on execution against any sheriff, constable or other public officer, administrator, guardian, executor, or any other person or corporation receiving or holding moneys in a fiduciary capacity, or the surties of any or other of them.....	190	198, 292	256
40	A bill to relieve Nathan Rowley, of Vanderburgh county, from the consequences of certain legal proceedings had and judgement rendered in the Vanderburgh circuit court at the Sep-			270

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43	A bill to authorize churches to form a union, assume a new name, appoint trustees, and enable them to receive conveyance of lands and donations of personal property.....	191	199	226
62	A bill for the punishment of officers of elections for refusing or neglecting to receive votes of legal voters.....	253	259	
73	A bill to raise a revenue for State purposes for the years 1859 and 1860.....	212	232, 233	234
79	A bill to provide for the re-location of county seats and for county buildings, where two thirds of the voters of any county have petitioned for re-location, designating the site, and a house to be used as a court house, and where a deed has been executed, and to provide for the limitation of actions growing out of such re-location, and for the donation of the former county property.....	252	285	
98	A bill providing for the election of a board of sinking fund commissioners, prescribing their duties, term of office, and compensation.....	292	333	
101	A bill to secure to the sinking fund a debt which the State owes to said fund, and to provide for the payment of interest on said debt.....	325		
104	A bill making specific appropriations for the year 1858.....	326	327, 335 to 347	348 354

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Appeared and took his seat.....	3
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**Amendments, subject matter of, offered by—**

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**Bills, subject matter of, introduced by—**

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Appeared and took his seat.....	3
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## BROWN, RUFUS—

Appeared and was sworn.....	4
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## CARNAHAN, MAGNES P.—

Appeared and was qualified.....	3
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## Reports, subject matter of, made by—

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## COBB, THOMAS R.—

Appeared and was qualified.....	4
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## Reports, subject matter of, made by—

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Requiring the Treasurer of State to report the sums of money he has, during his official term, paid to attorneys for their services in the prosecution and defense of suits instituted in behalf of or against the State of Indiana, and the amount each one received, and in what cases said services were performed, and whether or not they were the duties imposed by law upon the Attorney General of said State.....	78
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## CONLEY, JASON N.—

Appeared and was qualified.....	4
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Appeared and was sworn.....	4
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To amend Senate bill No. 55, by requiring the Treasurer of State to account for all interest received by him.....	236

## Bills, subject matter of, introduced by—

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Read a second time and referred to the committee on cauals and internal improvements...	101
Reported back and committed to the committee on the judiciary.....	146
No. 39. A bill to amend the 6th, 7th, 19th and 20th sections of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852.....	80
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Reported back and laid on the table.....	163
No. 82. A bill to amend section first of "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages, of any railroad company in this State," approved March 1, 1853.....	154
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Bill ordered to be engrossed.....	206
Read a third time and passed.....	230

No. 97. A bill to provide for the partition of real estate, and for laying the same off in lots, streets and alleys, and for the sale thereof, and also for the period when the same shall take effect.....	195
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Reports, subject matter of, made by—

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Taken from the table and recommitted to the committee on the judiciary.....	182
Reported back with amendments and ordered to be engrossed.....	196
From committee on the judiciary, recommending the passage of Senate bill No. 21, to amend an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852, with an amendment.....	206
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From committee on corporations, recommending the passage of House bill No. 19. A bill to secure the service of process in actions against corporations, created by the General Assembly of this State, which have no officers or persons doing business in the county where they have been located, and have exercised corporate powers.....	218
Bill passed.....	219
From the committee on the judiciary, reporting that the General Assembly has the power to pass a law requiring railroad companies to pay for stock killed by cars on the highways and commons, where said road cannot be fenced.....	239
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Resolutions, subject matter of, introduced by—

Declaring the election of Jesse D. Bright and Graham N. Fitch, illegal, unconstitutional and void.....	40
Adopted.....	42
Directing the committee on the judiciary to inquire into the expediency of providing by law, for the publication of all acts of the General Assembly, which contain an emergency clause, in at least one newspaper in each county in this State, if one is published therein, Adopted.....	71
Directing the committee on the State prison to report a bill requiring sheriffs to convey all the prisoners, convicted at any one term of their court, to the penitentiary at the same time.....	90
Adopted.....	91
Directing the judiciary committee to inquire into the power of the General Assembly to provide for the taking up, at the regular session, all unfinished and pending business at the adjournment of the extra session, and acting upon it in all respects as if the same had been introduced at said regular session.....	136
Adopted.....	136
Directing the State Librarian to furnish the committee on the judiciary with a full set of Decisions of the Supreme Court and Perkins' Digest.....	136
Adopted.....	136

COOPER, STANLEY—

Appeared and took his seat.....	4
Bills introduced by..... No. 17, p. 53; No. 76, p. 147	
Committees, standing, appointed on..... 56, 56, 56, 57, 57, 57	

Motion by.....	16
Report by.....	103
Absence, leave of, granted to.....	199

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No. 17. A bill defining the length of residence required in a county and township to constitute a person a legal voter therein, prescribing punishment for violating the provisions thereof, and to amend section twenty-one of an act entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7th, 1852, and to repeal all laws inconsistent with this bill.....	53
Read second time and referred to the committee on the judiciary.....	99
No. 76. A bill to prohibit clerks of the circuit and courts of common pleas, and their deputies, from practicing as attorneys at law in the courts of which they are clerks or deputies, and also to prohibit county treasurers from practicing law in the courts of this State.....	147
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Reported back with an amendment, which was concurred in.....	194
Read a third time and passed.....	228

#### Report, subject matter of, made by—

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#### CRAVENS, JOHN R.—

Appeared and was sworn.....	4
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Bills introduced by.....	No. 92, p. 188
Committees, special, appointed on.....	10, 32, 255
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#### Amendments proposed by, subject matter of—

To amend the resolution of Senator McLean authorizing the President to appoint so as to constitute the committees as therein provided.....	24
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To amend Senate bill No. 3, relative to a re-appraisement of real property, so as to declare it in force from and after the expiration of the act of 1851.....	96
Not agreed to.....	97
To amend Senate joint resolution No. 3, so that the committee therein provided for shall investigate and report upon the condition of the several State offices, through which the public moneys may pass, and to report thereon. Adopted.....	273

#### Bill, subject matter of, introduced by—

No. 92. A bill to change the time for the election of members of Congress, and to provide for their election.....	188
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Reported back and ordered engrossed.....	204
Read a third time and passed.....	229

#### Resolutions, subject matter of, offered by—

Authorizing the secretaries to employ assistants, and report the same to the Senate.....	8
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Providing for adjournments each Saturday at 11 o'clock, A. M., until the following Monday, at 2 o'clock, P. M.....	65
Not adopted.....	65
Authorizing committees on education and benevolent institutions to employ a clerk. each..	79
Adopted.....	79
Directing the committee on agriculture to report a bill, if deemed expedient, providing for greater security and protection of orchards, vineyards and gardens.....	136
Adopted.....	136
That the Senate will, the House concurring, proceed to the election of United States Senators.....	310
Adopted.....	313

#### Reports, subject matter of, made by—

From the committee on education, reporting back House bill No. 22, providing for the re-appraisement of unsold school lands, and recommending its passage.....	246
From the committee of the whole on Senate resolution No. 26, asking to be discharged from further consideration of it.....	257
From a select committee recommending the passage of Senate bill No. 107.....	268
From the committee on elections, reporting as correct the certificates of the newly elected members.....	329

From the committee on benevolent institutions, reporting back sundry resolutions, not acted on for want of time.....	357
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Appeared and was sworn .....	4
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Read a third time and passed.....	199
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Appeared and was sworn.....	4
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Appeared and was sworn.....	4
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Appeared and was sworn.....	4
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No. 84. A bill to repeal the 51st section of an act defining misdemeanors and prescribing punishment therefor, approved June 14th, 1852.....	161
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## Reports, subject matter of, submitted by—

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From committee on the judiciary, reporting Senate bill No. 105, relative to infliction of punishment where there is more than one conviction of the same individual at the same term of the court .....	238
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## STEELE, GEORGE K.—

Appeared and was sworn.....	4
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## Bills introduced by—

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county business in any county, to take possession of and control any and all plank, gravel and McAdamized roads in their respective counties, which may have been abandoned by the corporations .....	42
Read second time and referred to a select committee of three .....	92
Reported back and ordered to be engrossed .....	105
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Returned from the House with an amendment—amendment concurred in .....	316
Approved by the Governor .....	329

No. 102. A bill to continue the present board of Sinking Fund Commissioners, consisting of a President and four Commissioners, and one Clerk, from the first of January, A. D. 1859, to the first Monday of April, 1859, and until their successors are elected and qualified .....	219
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From the committee on banks, reporting back a communication from the Auditor of State, recommending that it be laid upon the table .....	284
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Resolutions, subject matter of, offered by—

That the committee on finance report such legislation as may be necessary for the safe keeping of the public funds .....	78
Directing the committee on banks to inquire whether any legislation is necessary to protect the State's interest in the State bank, &c .....	195
Adopted .....	195
Directing the committee on county and township business to inquire whether the law of 1855, in regard to the fees of county treasurers, needs any amendment. Adopted .....	247

STEVENS, JOHN F.—

Appeared and took his seat .....	3
Bill introduced by .....	No. 66, p. 129
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Amendment, subject matter of, proposed by—

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To instruct select committee to strike out of all appraisement bills all requirements of swearing to the value of the land, and to require the appraisers to fix a value the owner .....	77
Concurred in .....	77
To instruct the committee on temperance to amend Senate bill No. 67 by requiring, 1st. Costs to be a part of the judgment for which the defendant shall stand committed; 2d. By requiring prosecuting attorneys, on reasonable grounds of suspicion, to file information against parties suspected of violating the provisions of the bill .....	130
To amend the resolution providing for a registry of the Senate so that each Senator shall pay his <i>pro rata</i> share of the expenses of the same .....	139
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To amend Senate joint resolution No. 3 so as to make the sinking fund board examine and report to the next General Assembly.....	272
To amend House bill No. 36, relative to special terms of circuit courts, so as to allow the judge holding the same \$5 per day, and mileage 10 cents per mile. Not agreed to.....	296
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No. 66. A bill requiring parties in civil suits to advance the fees of sheriff's in the cases therein specified.....	129
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Reports, subject matter of, made by—	
From committee on printing, reporting back Senate bill No. 37.....	359
From committee on printing, reporting back communication of Secretary of State.....	358

## STUDABAKER, DAVID—

Appeared and was sworn.....	4
Bills introduced by..... No. 44, p. 85; No. 80, p. 153	108
Committees, special, appointed on.....	56, 56, 56, 58
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To amend Senate bill No. 3, relative to reappraising the real estate so as to authorize the county commissioners to appoint and permit the county auditors to appoint the appraisers.....	94
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To amend Senate bill No. 4, the divorce bill, so as to make the third specification of section 7, read as follows: "abandonment for one year." Adopted.....	163
To amend Senate bill No. 68, a bill in relation to the appointment of swamp land commissioners, so as to require said commissioners to give \$1,000 bonds.....	175
Agreed to.....	175

## Bills introduced by—

No. 44. A bill for the distribution, investment and safe-keeping of the school fund arising from the 114th section of an act establishing a State bank, approved January 28, 1834, and for the election of sinking fund commissioners.....	85
Read a second time and referred to a select committee of five.....	108
Reported back with amendments, which were concurred in.....	135
Bill laid on the table and 100 copies ordered to be printed.....	135
Taken from the table and referred to the committee on education.....	171
Reported back and laid on the table.....	331
No. 80. A bill supplemental to an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the treasurer and auditor of State," approved June 21, 1852.....	153
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## Report, subject matter of, made by—

From select committee, on Senate bill No. 44, "a bill providing for the distribution of the sinking fund," reporting the same back with sundry amendments, and when so amended recommending its passage.....	135
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## TARKINGTON, WILLIAM C.—

Appeared and was sworn.....	4
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## Amendments, subject matter of, proposed by—

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To amend House bill No. 101, "to secure to the sinking fund a debt due it from the State," so as also to secure the payment of \$165,000, also borrowed, to pay the interest on the State debt, due July 1858.....	324
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To amend House bill No. 104, specific appropriation bill, was to allow A. Holtzman for services, during the session of 1857. Agreed to.....	347

## Bills introduced by—

No. 3. A bill to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto.....	29
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Taken from the table and made the special order in committee of the whole Nov. 29th, at 2 o'clock, P. M.....	72
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Reported back from the House with sundry amendments.....	189
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Committee of free conference appointed on part of the House.....	231
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Approved by the Governor.....	278
No. 12. A bill to prohibit unsafe paper currency, and to punish the making and circulating thereof.....	35
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Reported back with the recommendation that it be laid on the table.....	161
Report laid on the table.....	161
No. 55. A bill to provide for the safe-keeping of the public money, and of bonds and other securities entrusted to the care of certain officers herein mentioned.....	98
Read second time and referred to the committee on finance.....	122
Reported back and laid on the table.....	235
No. 93. A bill to amend section 5 of "an act prescribing the manner of empanneling petit jurors, the number and compensation thereof," approved May 20, 1852.....	188
Read a second time and referred to the committee on the judiciary.....	197
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## Resolutions, subject matter of, offered by—

That the rules of the Senate for 1855, be adopted as the rules for the government of the present session of the Senate.....	7
Amendments proposed by Senator Conner.....	59, 60
Resolution, as amended, adopted.....	64
That the secretary of State be requested to report to the Senate the amount of land deeded to each individual since the last session of the legislature and other information therein required. Adopted.....	29
That the Senate will, the House concurring, adjourn <i>sine die</i> , Dec. 22.....	186
Adopted.....	187

## THOMPSON, JOHN—

Appeared and took his seat.....	3
Committees, standing, appointed on.....	56, 56, 58, 57

## TURNER, DAVID—

Appeared and was sworn.....	4
Bills introduced by.....	No. 68, p. 139
Committees, standing, appointed on.....	56, 57, 58
Motions by.....	157, 293, 299
Reports by.....	201, 297, 244, 271, 397
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## Amendments proposed by, subject matter of—

To amend Senator Slack's resolution to adjourn <i>sine die</i> December 24, so as to adjourn <i>sine die</i> December 27. Laid on the table.....	298
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No. 68. A bill to amend 25th, 32d and 51st sections of an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the conditions of said grant," approved May 29, 1852 .....	139
Read second time and referred to committee on swamp lands .....	148
Reported back and ordered engrossed .....	150
Re committed with instructions .....	175
Reported back with amendments .....	208
Amendments concurred in, bill read a third time and passed .....	208
(This bill was never reported back from the House.)	

## Reports, subject matter of, made by—

From committee on enrolled bills, reporting back enrolled bill No. 31 as correct .....	201
From committee on swamp lands, reporting back Senate bill No. 68, relative to appointment of swamp land commissioners, with sundry amendments, and recommending its passage	207
Concurred in .....	208
From committee on enrolled bills, reporting the enrolling of Senate bill No. 11 .....	244
From committee on enrolled bills, reporting the enrolling of Senate bill No. 3 .....	271
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## Resolutions, subject matter of, offered by—

Directing committee on State prison to inquire into the expediency of abolishing the office of Director of State Prison. Adopted .....	177
Directing the committee on benevolent institutions to inquire into the expediency of reducing the number of trustees. Adopted .....	247
Directing the committee on canals and internal improvements to inquire into the expediency of reducing the salary of the Trustee of the Wabash and Erie Canal. Adopted .....	259

## TURNER, JAMES N.—

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## VAWTER, JAMES H.—

Elected Principal Secretary .....	5
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## WAGNER, GEORGE D.—

Appeared and was sworn .....	4
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Bills introduced by .....	No. 26, p. 67; No. 32, p. 74; No. 43, p. 80; No. 74, p. 146 No. 88, p. 179; No. 107, p. 225; No. 110, p. 326
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Motions by .....	55, 161, 168, 197, 227, 241, 256, 257, 261, 321, 323, 327 328, 333, 334, 350, 351, 351, 351
Petitions by .....	76, 129
Reports by .....	178, 183, 206, 246, 294, 317, 333
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## Amendments, subject matter of, proposed by—

To amend resolution of Senator McLean, providing for the appointment of the standing committees by the President, so that the committee be constituted as designated in his amendment .....	55
Adopted .....	59
To amend Senate bill No. 103, so as to increase the fees of justices one hundred per cent. .	261

## Bills introduced by—

No. 26. A bill supplemental to an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855 .....	67
Read second time and referred to committee on education .....	99
Reported back and made the special ordered for December 17, at 2 o'clock, P. M. ....	206
Considered in committee of the whole, progress reported and leave given to sit again .....	243
(This is all the action on this bill.)	
No. 32. A bill to amend an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 29, 1852 .....	74
Read second time and referred to the committee on the judiciary .....	101
(Never reported back.)	

No. 43. A bill to amend an act entitled "an act to authorize the formation of new counties and to change county boundaries," approved March 7, 1857. ....	80
Read second time and referred to the committee on the judiciary. ....	103
Reported back and indefinitely postponed. ....	244
No. 74. A bill for the better protection of religious meetings, agricultural fairs, and other lawful assemblies of the people. ....	147
Referred to the committee on agriculture. ....	155
Reported back ordered engrossed. ....	178
Read third time and committed to a select committee of three. ....	227
Reported back with an amendment, which was concurred in. ....	247
No. 88. A bill to regulate the practice in the Supreme Court of the State of Indiana. ....	179
Read second time and referred to committee on organization of courts. ....	194
Reported back and indefinitely postponed. ....	208
No. 107. A bill authorizing the Governor, Treasurer and Auditor of State to borrow from the Sinking Fund Commissioners money to pay in whole or in part the interest on the foreign debt of the State, due January 1st, 1859. ....	255
Rule suspended and bill read a second time. ....	255
Reported back with a recommendation that it pass. ....	268
Read a third time and passed. ....	270
No. 110. A bill to vest in the assignees of the branches of the State Bank of Indiana the right to enforce in their own names, either before or after the expiration of the charter of said bank, the possession, collection and enjoyment of the assets so assigned, and to have legal process, and to give acquittances in their own names, and to secure to them their rights. ....	326
Rule suspended and bill read a second time. ....	327
Rule suspended and bill read a third time and passed. ....	328
Petitions, subject matter of, presented by—	
Petition from B. F. Gregory, late treasurer of Warren county, praying the Legislature to reimburse him for certain moneys therein named, lost by the free banks of the State. ....	76
Petition of Richard Foster and other, praying an allowance to A. Stephenson, for pursuing and arresting N. McCarty, a horse thief. ....	129
Reports, subject matter of, made by—	
Reporting back Senate bill No. 74, for the protection of agricultural fairs, &c., and recommending its passage. ....	178
Concurred in. ....	178
Reporting back Senate bill No. 71, relative to assessments, and recommending certain amendments. ....	183
Concurred in and bill ordered engrossed. ....	184
Reporting back Senate bill No. 26, providing a system of common schools, and recommending its passage. ....	206
Made special order for December 17, 2 o'clock, P. M. ....	206
Leave given committee of the whole to sit again. ....	243
From committee on county and township business, reporting relative to road tax. ....	246
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From committee on education, reporting back Senate bill No. 25, providing for the purchase of bank bonds, State stocks, recommending that it be laid on the table. ....	317
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Directing the committee on the judiciary to inquire into the power of the Legislature to set apart a sufficient amount of the sinking fund for the redemption of the bank bonds, and whether the interest of the remaining funds cannot be applied to common schools. Adopted. ....	210
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Appeared and took his seat. ....	3
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No. 4. A bill to amend sections 6, 7, 10, 11, 12 and 15 of an act regulating and granting divorces, nullification of marriages, and decrees and orders of court incident thereto....	30
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(This bill was never returned from the House.)	

No. 10. A bill providing for assignments in trust for the benefit of creditors, and regulating the mode of administering the same .....	33
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(This bill was never reported back from the committee.)	

No. 23. A bill providing for a more uniform mode of doing township business .....	64
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(This bill was never reported back from the committee.)	

No. 91. A bill regulating the choosing of United States Senators by the General Assembly, specifying the time, place and manner of such choosing, and providing for the designation of such Senators by the voters of this State.....	187
Read second time and laid on the table .....	196
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Directing committee on military affairs to report a bill for the reorganization of the militia.	300

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## WEIR, MORGAN H.—

Appeared and took his seat.....	3
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## Amendments, subject matter of, proposed by—

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To amend standing rule No. 18, so that any Senator refusing to vote shall be reprimanded in open Senate by the President.....	64
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To amend Senate bill No. 39, the divorce bill, by striking out "two" wherever it occurs before the word "year," and insert "one".....	84
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No. 2. An act to repeal an act entitled "an act to authorize the formation of new counties and to change county boundaries".....	17
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That a committee be appointed to procure newspapers for the use of the members of the Senate.....	10
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That the chairman of the select committee on Bank Frauds make a detailed list of expenses of said committee for payment by the State Treasurer.....	12
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That the Attorney General be requested to inform the Senate what steps he has taken to collect the claim <i>vs.</i> May, Bright and Drake, and if the same has not been sued upon the reason of such neglect.....	70
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That the committee on the State Prison visit the same, and make an examination thereof, and report to the Senate the necessities of the same. Adopted.....	70
Requesting the State Printer to report to the Senate the amount of printing done for and at the expense of the State during his term of office. Adopted.....	75
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Directing the doorkeeper to procure three dollars worth of postage stamps for each member and officer to distribute public documents. Adopted.....	178
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Appeared and was sworn.....	4
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## Amendments, subject matter of, proposed by—

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To recommit with instructions to amend Senate bill No. 28, by making the election of United States Senators by a joint vote of the two Houses, instead of separately.....	140
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To amend Senate bill No. 28, so that after ten ballots had separately, if there be no choice, the two Houses shall meet in joint convention, and proceed to ballot for United States Senators.....	167
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To amend Senate joint resolution No. 6, so as to add after the words "Bright and Fitch," the words "our Senators in Congress,".....	292
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## WILLARD ASHBEL P., GOVERNOR—

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## WILSON, JAMES E.—

Appeared and took his seat.....	3
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